REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 22, 2016 at 7:44 p.m. with Councilman Hare presiding in the absence of Council President Slavin. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis (departed at 7:43 p.m., and returned at 7:58 p.m.), Mr. Cole, Mr. Hosfelt, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:45 p.m., and returned at 8:56 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Councilman Hare declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. Ken Abraham, 430 Kings Highway, Suite 414, stated that he supported the Tiny Houses Village Project, and praised the Dover Interfaith Mission for Housing as the best homeless shelter east of the Mississippi River. He informed members that he is the head and founder of Citizens for Criminal Justice, which is helping a lot of people with issues with the criminal justice system in Delaware and all over the country. Mr. Abraham read the following statement:

> Letter to the Editor or Op Ed Submission - I Smell a Serious Problem - 8/17/16 - For several years now I have written about the need for state employees [most particularly the out-of-control employees of Delaware Department of Corrections (DOC) who commit numerous crimes on a daily basis] to be monitored in a meaningful way, and to be held accountable for wrongdoing.
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> A recent article about the Dover Housing Authority reminds us that D O C is not the only state agency which may need a closer look. Retaliation against tenants who dare to complain to the city about the agency? Unfair, biased "hearing" procedures? Illegal forging of DHA participants' names on documents in eviction proceedings? And more. The explanation and comments by the agency director were non-responsive, vague, and weak.
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> From that article, it seemed to me that the complaints mentioned may well be valid, so I called two friends whom I thought might know more, and asked them if they had heard complaints about Dover Housing Authority and its director. Boy, did I get an earful! Not only are the tenants subjected to the shoddy/illegal machinations of the boss, but employees who may be tempted to disclose the truth about her conduct dare not speak out, for fear of losing their jobs.
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> Given that the people under the care of DHA are poor, often desperate for housing, and therefore understandably fearful of "making waves", I suspect that the issues discussed in the article may be the tip of the iceberg. Hats off to the Mayor and to the City Council members named, Roy Sudler and Fred Neil, but because DHA is under the State Housing Authority and is a state agency, they lack power to do much.

> I suggest that the Delaware State Housing Authority crack down on DHA, and perhaps the Attorney General or the U S Department of Justice should investigate DHA. Some of the activity mentioned clearly is criminal.
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> Though not as helpless as inmates, those in the jurisdiction of DHA, because they are poor, often are ripe targets for abuse. They lack power. I write this because they lack a voice, and because nobody should be "pushed around" or have their rights trampled by government employees who forget who they work for, are comfortably entrenched in their wrongdoing, and think they can get away with continued misconduct. I call upon those who can to "get to the bottom" of this problem.

Councilman Sudler stated that Councilman Cole had been just as instrumental as Councilmen Sudler and Neil had been in the Dover Housing Authority initiative.

Pastor Aaron Appling, Victory Church, called on the audience to raise their hands if they were homeless, or had recently been homeless, and many people raised their hands. He explained that he was representing a group of people that he had gotten to know deeply over the past six (6) months. Pastor Appling acknowledged that some would ask why he was addressing City Council when his problem with the homeless was related to Kent County. In response to this, he stated that most of the homeless he had encountered live in the City. Pastor Appling advised that they had been on the streets feeding the homeless seven (7) days a week for the past six (6) months with no riots, problems, or violence. He referred to a homeless awareness event that was held about a month ago, where they camped out in tents set up at the corner of Division and State Streets for six (6) days and asked lovingly and kindly for help. Pastor Appling mentioned that Councilmen Sudler and Anderson came by the event; however, other than a few, the highest ranking officials in the community never even said hello, which disturbed him morally. He felt that those who are given a responsibility are supposed to do certain things and, although some things had been done, there was more to do, stating that there was very little outreach from the officials who work for the taxpayers. Pastor Appling noted that the County had advised them that it was illegal to house homeless people where their church is because the soil was not good enough, due to zoning laws, etc. He stated that he did not care about these issues because he was coming from a moral standpoint and believed it was morally wrong for the homeless to be on the streets. Pastor Appling advised that some of the homeless sleep in front of City Hall every night and asked that they be given access to the dozens of abandoned houses around the City so they could fix them up and put people in them within a month or two (2). Pastor Appling advised that they were not asking for money but just for red tape to be removed. He asked for those present who agreed with his comments to respond by saying “aye”, and many of those present did so.

Ms. Sue Harris, Chair and Co-Founder of Port Delaware, Inc. and Tiny House Villages for Homeless, informed members that she was present to make plea for help. She wanted it to be understood that they would never criticize the efforts of the City or any other caretaker on behalf of the homeless up to this point or into the future. Ms. Harris asked members to listen and really hear what they were saying, noting that it was an understatement to say that the homeless population in the area was becoming overwhelming. She stated that each day the homeless providers and service organizations in Kent County go above and beyond to try to accommodate and deal with this growing problem. Ms. Harris indicated that non-profits search for solutions to serve a growing

population with dwindling dollars. Churches and citizens take to the streets to bring food and water to increasing numbers of people who wait for welcome relief of sustenance and love, and efforts still fall far short of solving the problem. Ms. Harris advised that, report after report, research and case studies show that, without all the pieces to the puzzle, the cycle of homelessness will continue. She acknowledged that Code Purple provides help for cold weather emergencies and year-round assistance with needs, resources, and housing when they can. Ms. Harris noted that the Dover Interfaith Mission for Housing, Shepherd's Place, and Whatcoat are good providers that take people in and give them the opportunity to feel secure for a month or two (2) to get started on the right path. She explained that there are a few transitional beds to move men from shelters into the next level of self-support, but it seemed that there was a missing piece of the puzzle. Ms. Harris felt that those who can be taken out of the State system and moved to permanent housing are unable to do so because there is nothing available that is affordable. She explained that if there was affordable housing available, these people would no longer cost taxpayers thousands of dollars to house, would finally be able to take care of themselves, and in doing so would make room for someone else in a shelter bed so that they, too, could begin to end their cycle of homelessness. Instead, Ms. Harris stated that these individuals return to the streets or to housing that is unsafe, and to situations that threaten their new-found independence, since the need for affordable housing far exceeds the availability.

Ms. Harris indicated that those individuals speaking on behalf of the homeless were present to encourage the City, as well as the County, to help them with their piece to the puzzle. She noted that the City had made efforts to help, as was obvious in the City's annual action plan, which highlighted the need for affordable housing. Ms. Harris stated that the problem of affordable housing was not close to being solved, and they desired to help the City to solve it. She advised members that advocates had beaten their heads against walls researching properties in the area and looking over coding and zoning laws, when the officials already had all those answers. Ms. Harris indicated that they spend endless hours reading articles, news stories, white papers, and testimonials of the experiences of other tiny house villages throughout the country. Ms. Harris provided a written statement on tiny house communities, a handout including information on homelessness in Delaware, as well as a binder containing research regarding tiny house communities *(as on file in the Office of the City Clerk)*.

Ms. Harris felt that the most frustrating part of this issue was that only one (1) piece of this puzzle was needed to move forward with putting these villages together, and this was the piece that the County and/or City could provide. She advised that they had the support, volunteers, and donations to make this happen, but continued to look for an opportunity for a site from the City or the County. She noted that Kent County could presently provide this by granting a permit for the Village of Victory. Ms. Harris informed members that they would continue to advocate and encourage innovative solutions for affordable housing for those most in need to provide a smoother path for villages in the near future. She asked members to consider putting some thought into how to make this happen together instead of concentrating on convincing them why it should not and would not work. Ms. Harris stated that this concept had worked in many places throughout the country and would work here if given a fair opportunity. She felt that efforts being put forth in the community to support the homeless each and every day with food and water were unmatched, stating that their dedication was humbling and showed what they could put into this village. Ms. Harris hoped to hear from Council and to feel their support through action, especially help with locating a site. She

indicated that they would continue to plead for the City to help in their search for answers to this complicated and diverse problem. Ms. Harris expressed the desire to work together with every homeless organization, stating that there was much that could be done if it did not matter who gets the credit.

Mr. Eric Cooper informed members that he is a pastor who had been working in this community since 1995, having come from Syracuse, New York with a ministry that went to New Street to help clean up the problems there. He stated that they worked inside the Kent and Colonial Apartments. Since then he had worked with several different ministries in this area; however, he felt that his efforts and the efforts of those he worked with had been opposed when trying to help homeless people. Mr. Cooper stated that he was working with Mr. Appling, Ms. Harris, and Ms. Cathi Koppera to solve a problem in the community that he felt could easily be solved. He believed that if everyone worked together and not against each other, the City could teach them how to work within the code instead of shutting and pushing them out. Mr. Cooper stated that 30 to 40 people were living in two (2) buildings on Division Street and were on their way to becoming good citizens in the community; however, the people had been put out of a place to live and the buildings were no longer standing due to code violations. He expressed the desire to bring awareness to this problem in the community, asking members to look around at the kind of people that they see on a regular basis. Mr. Cooper advised that they help those from the age of 18, who are on the streets after coming out of foster care, to those up to the age of 70. He explained that young people coming out of the foster care system do not know the first thing about what to do when coming out of the system or how to find housing. Mr. Cooper stated that they are being found in tents, living on the street, or hiding in back yards, in the woods, and in restaurants. He felt that something needed to happen now.

Mr. Doug Drummond, 2110 White Oak Road, stated that he came to the Council meeting over three (3) years ago to speak in favor of the Calpine Project at the Garrison Energy Tract that was constructed. He expressed his opinion this had been a good project for the surrounding neighbors, with the exception of a few weeks when there were steam leaks that woke everybody up at 4:00 a.m. Mr. Drummond stated that it is a very quiet and friendly neighborhood; however, the trees that were promised three (3) years ago were lacking. He advised members that trees were planted; however, A-Del Construction did a project on the southeast corner of the Garrison Tract and, when digging up the sewer tie-in, they took down two (2) big, thick pine trees and never replaced them. Mr. Drummond stated that there is a need for trees in the front by the neighbors' houses, rather than along the drive on the way into the complex. He suggested that members take a ride to assess the job that was done with planting trees in this area, noting that he felt that the more trees that were planted there, the better.

The invocation was given by Councilman Sudler, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Neil and unanimously carried.

Mr. Sudler requested that items #2-A-4 - Update-Residential Appeal Process and Non-Compliant/ Non-Conforming Uses/Review of Physical Data (53% completed), and #2-A-6 - Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park, be removed from the Consent Agenda.

Mr. Neil moved for approval of the Consent Agenda, as amended, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Lewis and Mr. Slavin absent).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 1, 2016 - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE

The Minutes of the Special Council Meeting of August 1, 2016 - Violations of the Dangerous Building Ordinance were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 8, 2016

The Minutes of the Special Council Meeting of August 8, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 8, 2016

The Minutes of the Regular Council Meeting of August 8, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 9, 2016

The Minutes of the Special Council Meeting of August 9, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 9, 2016

The Council Committee of the Whole Meeting was held on August 9, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Sudler, Mr. Neil, Mr. Hosfelt, Mr. Hare (departed at 6:57 p.m. and returned at 7:07 p.m.), and Mr. Hutchison. Mr. Anderson, Mr. Lewis, and Mr. Cole were absent. Mayor Christiansen was also absent. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Ms. Stewart (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

Review of Active Recreation Area Plan - Planned Neighborhood Design: Senior Citizen Housing Option - The Grande - 90 Saulsbury Road (Clubhouse and Pool) (Planning References C-15-04 and C-16-04)

During the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee Meeting of July 12, 2016, members considered a Review of Active Recreation Area Plan (Request for Cash-in-Lieu) - The Grande, Building 4: Planned Neighborhood Design - Senior Citizen Housing Option (Planning Reference C-15-04). During the Regular Council meeting of July 25, 2016, City Council approved the Committee's recommendation for acceptance of a $22,914 cash-in-lieu of recreation area construction donation.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to the Site Plan for The Grande - 90 Saulsbury Road, stating that the cash-in-lieu donation was still in the process; however, the site plan would be reviewed by the Planning Commission the following week and, if approved, would replace the cash-in-lieu donation. She noted that The Grande, formerly known as Dove View, was preparing to construct a fourth building. Mrs. Townshend advised that there were currently three (3) buildings of senior apartments and there would be a total of 192 units at the corner of Saulsbury Road and Route 8 behind the TD Bank. She explained that the applicant wanted to build a pool and clubhouse for residents' use.

Staff recommended approval of the Active Recreation Area Plan with the comments and suggestions provided.

The Committee recommended approval of the Active Recreation Area Plan, as recommended by staff.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Lewis and Mr. Slavin absent).

Proposed Land Swap - Capitol Baptist Church/Mayfair Park

Mr. Scott Koenig, City Manager, stated that a request had been received from Pastor Terri Moore of the Capitol Baptist Church located at 401 Kesselring Avenue. He indicated that he met with Mr. Moore more than six (6) months ago to talk in general terms about potential access across the back edge of the Mayfair Park property into land owned by the church to the north. He advised that the church would like access to additional parking and to potentially expand their venues to undeveloped land.

Mr. Koenig explained that in the intervening months, concerns had been raised about the former basketball court at Mayfair Park and the long-term disposition of the park. He advised that staff was seeking direction from Council regarding engaging with Capitol Baptist Church, and potentially expending funds, to determine if a land swap to allow them access to the undeveloped land and to potentially modify the boundary of Mayfair Park in a mutually beneficial manner is feasible. Mr. Koenig noted that the amount of land that would potentially be swapped had not yet been determined

because there had not been a detailed discussion about whether there is a 20-foot-wide or 24-foot-wide driveway across the edge of the property. Given the discussions that had occurred and correspondence that was received, staff was looking for direction from City Council as to whether members would like for staff to expend City resources to try to facilitate the land swap or if they would like to defer or reject the request.

Staff recommended authorizing the City Manager and other City staff to negotiate a proposed land swap which is mutually beneficial to the property owners and the City of Dover. This authorization will include any necessary research and legal expenses necessary to determine the terms and conditions of a potential land swap that involves the public open space known as Mayfair Park.

Responding to Mr. Caldwell regarding issues between Mayfair Park and the Capitol Baptist Church, Mr. Koenig stated that the issues he was aware of mostly related to claims of illegal activity in the park. He advised that he had not heard of any issues with the church using the park. Referring to the excerpt from the minutes of the City Council meeting of September 13, 1971, he informed members that the City had worked with the church years ago to improve the parking lot to provide parking to visitors to the church and the park. Mr. Koenig indicated that he was unaware of this condition until the issue was recently researched.

Mr. Koenig advised that one of the concerns with modifying the park was that federal funds were used to improve the park and any modification would require assurance that the conditions of obtaining those funds were not violated. He stated that he preferred not putting the City in a position of having to repay the funds.

Mr. Neil, noting that this park is not heavily used, questioned if the park area would be expanded and, if so, if it would allow for the City to replace the basketball court or make other improvements. Referencing the map of the Outdoor Recreation, Parks and Trails Program - Formerly known as Delaware Land and Water Conservation Trust - LWCF 10-001 42 Park improvements (1988), Mr. Koenig explained that the land that he discussed with Pastor Moore was the pointed end to the left. He noted that Mayfair Park touches City-owned land where a substation is located and that an improvement was constructed at the west end of the park adjacent to the church.

Mr. Koenig explained that the discussion he had with Capitol Baptist Church related to adjusting the property lines of the triangular area at the end so that a drive isle could be constructed to allow access to the land that the church owns immediately to the north. He noted that this area is depicted as grass on the map. Mr. Koenig advised that modification to the top property line would be required to swap a specific number of square feet of land with land that the church currently owns. He stated that the dimensions had not been determined and the discussion had been only conceptual to this point. Mr. Koenig explained that the church would have to go through the required site planning process and build according to zoning, building, public works, and utility codes.

Referring to the basketball court, Mr. Koenig stated that it was his understanding that the rims and posts had been removed from the basketball courts and only a macadam area remained at this point. He stated that, although the playground to the west is used, the park is otherwise rather passive and not used by many people.

Mr. Hare stated that the basketball courts had been a constant problem for the neighbors living around the park, noting that people had been playing basketball at 1:00, 2:00, or 3:00 a.m. and cars would double-park along Alder Road with people hanging around the cars making noise. Mr. Hare stated that the police would come and everyone would leave and then return. He stated that it was a drug dealer's haven. Mr. Hare stated that, for this reason, it was decided to take the basketball poles and baskets down toward the end of April. He advised that he and Mr. Slavin had discussed this, stating that they would address complaints when they were received; however, they heard no complaints and plenty of praise. Mr. Hare felt that, to maintain the park, the macadam should be removed because water builds up there and it was becoming infested by bugs.

In regard to the land swap, Mr. Hare explained that he had not been aware that when the playground equipment was installed, it was placed in that corner so that the church's school would have access to the equipment. He noted that the City had repaved the parking lot, with the understanding that citizens could park there and use the equipment, as long as it did not interfere with church activities, which were basically on Wednesday evenings and Sundays. Mr. Hare stated that he had been told that the church was telling people that they could not park there. He indicated that Pastor Moore may not have been aware of this situation since he was relatively new. Noting that the City had paid to pave the parking lot, Mr. Hare suggested that something, such as an easement, be put in place. He stated that he felt the equipment could then be moved a little more inland.

Mr. Slavin requested that Mrs. Ann Marie Townshend, Director of Planning and Community Development, comment on the potential future for the park, which was largely unprogrammed space. Mrs. Townshend advised that staff was planning a community meeting with the neighbors to determine what they would like to see in the park and develop a plan based on their comments. She noted that there was currently a backstop and Little League practices or pick-up baseball-type games are held at the park; however, other than the playground, there was no heavy use of the park. Mrs. Townshend stated the need to enter into discussion with the neighbors about what they want in the park. She indicated that everyone seems to want trails, stating there might be an opportunity for a multi-use path that could connect one side to another for a nice walking loop. Mrs. Townshend stated that some people had also mentioned dog parks, so there were a lot of things that could be done once it is determined what the community wants.

Responding to Mr. Hutchison, Mrs. Townshend advised that the current zoning was ROS (Recreation and Open Space), which would allow for parks and recreation uses. She indicated that if there were a change, it could require rezoning and may require

a minor amendment to the City's Comprehensive Plan. Mrs. Townshend stated that this could be addressed if there was a land swap. She noted that apartments could not go in the ROS zone and that the vacant property owned by the church was zoned R-10, which is a One-Family Residence Zone. In response to Mr. Hare, Mrs. Townshend advised that houses could be built on individual lots in the land beyond the park.

Mr. Sudler asked Mrs. Townshend if the proposal was financially conducive or feasible for the City and what modifications she would make knowing all of the variables and facts presented. Responding, Mrs. Townshend indicated that, at this point, what was being considered was whether or not City Council wanted staff to proceed with investigating a land swap, which could expend legal and other resources. She noted that there would have to be discussion with the Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Parks and Recreation to determine the process for a land swap. Mrs. Townshend stated that looking into a land swap would certainly be feasible, stating that if this occurred, the City could absorb the expenses in the existing budgets. If there was additional development to the park, it would be a future capital project.

In response to Mr. Sudler, Mrs. Townshend advised that no discussions had been held with the church or its leaders regarding sharing the cost of legal resources, DNREC fees, or other fees that the transition would cost City taxpayers, since the first step was to bring this matter forward to City Council. Mr. Sudler requested that staff note that this may be something to consider.

Mr. Neil stated that he would like to hear from those who were present to address the issue. He stated that he did not see a problem with this proposal, except for the cost.

Mr. Hare stated that members did not know what land they were looking for. He stated that he had no problem with the easement; however, if this were to come to fruition, he did not believe there should be a cost for the City because the City does not care if this happens or not. Mr. Hare felt that any expenses should be paid by those who wanted to have it done.

Mrs. Horsey questioned what the City would get from the church and if Council would take on this study. She stated her thought that a swap would involve land for land. Responding, Mr. Koenig stated that the church would need to give the City a conceptual or dimensional plan showing how much land they need to build a drive access. At that point, the City would have to determine whether it should be a land swap, easement, or whatever would be the best fit. Mr. Koenig advised that the church had proposed a swap, and if they needed a specific amount of square feet and there was a one-to-one swap, a property line would have to be modified. He stated that if it were only an easement, a simple easement document would have to be drafted and recorded, although there may be associated legal research to make sure that the City does not violate any of the covenants of the grants. Mr. Koenig advised that the number of hours of legal research had not been specified; however, he stated

that he preferred that staff not complete hours of work if Council was not in favor of the concept. He noted that, if Council was in favor, they could allow staff time to be expended but not out-of-pocket resources unless they are reimbursed by the church, and this would be a condition that staff could work with. Mr. Koenig indicated that, other than the letter received from the church and the discussion that occurred more than six (6) months ago, he did not have a concrete concept of what the church would like to do. He stated that there had been at least one (1) and possibly two (2) community meetings where the park was discussed, and that was why this was brought forward. Mr. Koenig reiterated that he did not want to see staff spending a lot of time coming up with a concept and have it not even remotely favored by the Committee or Council.

Pastor Terri Moore, Capitol Baptist Church, informed members that, over the years, the church had experienced a lot of problems because of the location and setup of the park. He indicated that there were issues like those already mentioned, including hanging out and late hours, noting that most of the activity was coming from the south side of the church. Pastor Moore pointed out the entrance to the park on Alder Avenue to the east of the two (2) homes next to the church. He stated that he did not understand the idea of paving the parking lot to let people use the park because the City, along with the church, had put up a fence there that did not have an entrance, meaning that people would have to climb over the fence.

Pastor Moore explained that people were coming through the three (3) properties, not only the church but the other two (2) as well. He noted that there was evidence of drugs use and sexual activity in the park. Pastor Moore advised that the fence had been repeatedly destroyed, noting that the fence that was in place when he got there was four (4) feet tall and it was crushed. The church teamed up with the City to put in a higher fence, and the church and the City each paid for half of the fence. Pastor Moore indicated that the church and the two (2) properties had been experiencing a lot of damage to fences and to their vehicles, noting that people come through when they have services, often to get to the basketball court. He stated that both the church and the neighbors who they spoke to at community meetings believe there are two (2) contributors to this problem. The first was the current, L-shaped layout of the park, which had an entrance at the corner on the map that was labeled "Alder." Pastor Moore noted the other contributor is that the portion tucked behind the church is hard for police to monitor, and the basketball courts and other activity cannot be seen from Kesselring Avenue. He felt that the layout needed to be changed and the design made more conducive to more desirable activities.

Pastor Moore advised that the church wanted to be a help to the community, noting that this would also help the church in that they own nine (9) acres near the park. He indicated that they would like to expand their parking lot, if possible. Pastor Moore thought, in order to solve the whole problem, that perhaps they could take the park behind the church and make it more square so that it would be possible to see right into it. The church would have access and the City could redesign the park. Pastor Moore reiterated that the current layout had caused this park to be a nuisance to many

because of what was going on there. He felt that it was not doing what it was designed to do, which was to be a nice place to take families and enjoy time with kids, etc. Pastor Moore stated that the church would be open to changes and working with some of the costs, which could be negotiated. They felt that removing the L shape would help the two (2) houses to the east also, which would take care of a bad design that tucks people behind and makes it hard to get to things.

Referring to the Outdoor Recreation, Parks and Trails Program - Formerly known as the Delaware Land and Water Conservation Trust Fund - DTF 05-004 Playground installation (2005) depicting Park Improvements, Mr. Slavin indicated that this map showed the boundary of the park.

Pastor Moore reiterated his belief that the design of the park was creating the problem. He noted that there had been discussion at community meetings about problems related to traffic cutting through. Pastor Moore reiterated that they had worked with the City to put the six-foot fence up, but it was destroyed by people tearing it open to get into the park He noted that they had repaired the fence many times.

Responding to Mr. Sudler, Pastor Moore advised that the church had absorbed the cost of the fence repair. In response to whether they had made this known to the City, Pastor Moore advised that they were in a quandary because they are a church that wants to reach and work with the community, and not to be known as complainers who do not want anyone coming through. He noted, however, that they did not want their fence torn up.

Mr. Sudler stated that he would think that the City would be willing to absorb or help the church absorb the cost of repairing the fence, since it is part of the City's responsibility. He expressed the desire to have a healthy park that is conducive to the constituents of the City of Dover and the neighbors, stating that the City would work with the church as much as possible.

Pastor Moore stated that he understood, because of the grants and all that was given to the park, that the area of the park had to stay the same so as to affect the funds. He indicated that the church was there to work with the City to solve the problems that were taking place in Mayfair Park, and if the land swap would help everyone, including the neighbors, it seemed to be the best solution.

Ms. Janice Sibbald, Blue Beach Drive, Crossgates, advised that she had been living on Blue Beach Drive, just four (4) houses from the edge of the park, since 1968, so she was well aware of the activity in the park. Ms. Sibbald indicated that Pastor Moore neglected to inform members that there was an entrance to the park still in use in the high corner, so there is not just one (1) entrance. She pointed out that the 1971 grant to pave the church's parking lot was a help to both the City park and the church, because the church had to agree to allow the public to go through that parking lot to enter the park, except during the church activities. Ms. Sibbald advised that she had

pictures of Mayfair Park area depicting what the church had been doing since that agreement was made. She explained that, since 1971 when this arrangement was made, church people had tried to discourage people from going through their property to get to and from the park. Ms. Sibbald indicated that she did not know that parking was supposed to be allowed there. She stated that when people had gone into the park and gone to use the playground equipment, church teachers had told them that they could not use the park when the school was using it. Ms. Sibbald indicated that the school did not have to have a playground because they had use of the City park, which saved the church a lot of money. She noted that the City had maintained all of that property and the church had benefitted from this arrangement for 45 years and had discouraged the use of the park by others. Ms. Sibbald stated that the Parks Department got another grant in 2005 to replace the equipment and it was again placed by the church so that small children would not be injured by anybody playing softball in the park.

Ms. Sibbald indicated that there used to be frequent use of the basketball court, and a lot of people walk their dogs and take their children there to walk and run around. She noted that the church also uses the park frequently for their school children to exercise on. Ms. Sibbald felt that the church had benefitted far more than the City ever did by putting out $2,500 to pave that parking lot, and this fact was totally being ignored. She reiterated that the church had stopped people from using it.

Ms. Sibbald stated that she did not feel that the City should be in the position of taking public property to provide parking lots for churches, noting that there was supposed to be a separation of church and state. She stated that she did not like the idea of setting a precedent by deciding to do something that the church wanted and changing the park, which she felt could be used for other things, especially since the basketball court was no longer in use.

Ms. Sibbald stated that she did not feel it was the park's fault that people had been misusing it, stating the need for the City to address the problems occurring there. It was her opinion that people should be reporting these things so the police could go in and take care of them. She noted that people around the park would like to continue using it and that many things could be done, such as a bocce ball park, tennis courts, or other enhancements. It did not make sense to Ms. Sibbald to give away property and try to redesign a park. She indicated that this had been going on for six (6) months and no one in her neighborhood had been contacted about it, noting that she did not find out until the day of the meeting at the church that there was going to be a meeting. Ms. Sibbald stated that she and others did not know that the meeting would address the problem. She expressed concern that all of this work had already been done by the City without addressing whether or not those in the neighborhood thought it was a good idea. Ms. Sibbald asked that the City not set a precedent like this. She noted that there were churches downtown that did not have enough parking and questioned if the City would get into helping them as well.

Mr. Hare stated that this matter had not been in the works for six (6) months, nothing had been planned, and no work or drawings had been done. He noted that the City Planner's Office had existing drawings and advised that there had only been some contact with the City Manager's Office, which he had not even been aware of.

Mr. Slavin asked if the parking lot had been repaved since 1971. He stated that he felt that this was part of the due diligence that the City would have to understand. Mr. Slavin commented that the agreement was for the initial paving of the parking lot, and once it was paved, depending on who paid for it, that agreement may have been invalidated.

Mr. Slavin stated his understanding that the City Manager was simply asking for authorization to proceed with doing due diligence and that anything else further would have to come back through the Committee and then Council. Responding, Mr. Koenig stated that he met with representatives of the church and discussed a concept, recalling that he had one (1) meeting and it was left with the church to submit something in writing if they wished to proceed. He stated that the date of the church's letter was roughly the date that staff received this information. Mr. Koenig indicated that, because there had been other discussions about the park, he wanted some clear direction from the Committee and Council as to whether they would like City staff to engage this concept and move forward. Mr. Koenig stated that he believed that if this matter moves forward, the City would have to go through the process of declaring a certain amount of land as excess and then authorizing a land swap. He stated that it would be Council's decision to do a land swap versus an easement. Mr. Koenig explained that current consideration was the first step in moving forward if Council and the Committee wished to do so. If they do not wish to move forward, the City would respond to Pastor Moore's letter stating that it was discussed during this meeting and the City was not interested in pursuing the concept.

Ms. Sandy Kinkus, 365 Fiddlers Green, advised that she had been a resident of Crossgates since 1970. She advised that, over the years, she had heard the statement that the playground equipment was moved back as a safety issue because there was a lot of baseball being played at that time. Ms. Kinkus noted that a statement was made that before the City moves forward to study this, they must have approval from Council; however, she noted that the cost of the research was not known. She felt that the cost could be thousands of dollars or $500, and she did not think that the City should be paying any of the cost. In addition, Ms. Kinkus indicated that she was unclear about what would be swapped and she would like to know more about that. She stated her understanding that, with what the church wants, the playground equipment would have to be moved, which would be an expense, and she questioned who would pay for the equipment to be moved. Ms. Kinkus stated that the City had paid most of the money, believing that the cost of the parking lot was $2,500, $300 of which the church paid and the City paid the rest in around 1970. She acknowledged that the park was not being used the way it had been because of dynamics in the neighborhood, and because children were busy on iPads and electronics instead of playing outside like they used to. Ms. Kinkus stated that she

believed that there was still a viable park there, noting that younger families with younger children were moving in because it is still a pretty good neighborhood with affordable houses. She stated that, due to the fact that the playground was back there and use of the parking lot had been denied, it was not easily accessible. Ms. Kinkus also noted that the back lot is not mowed.

Ms. Kinkus expressed concern about the precedent that a land swap would set, reminding members that Dover is the capital of Delaware and the major city in Kent County; therefore, a precedent would be set not only for them but, more or less, for Kent County, and Dover would be the example. Ms. Kinkus stated that, in order for the park to be used, something must be done with it.

Ms. Kimberly Latch, 1315 New Burton Road, recommended that the City look into the land swap because it was likely that the people that attend the church are also residents of the City of Dover and they are looking for a land swap to access their property. Ms. Latch indicated that she personally knew what it was like to be landlocked, noting that this was not a nice feeling and there are not a lot of options. Ms. Latch stated that she was not advising the City to absorb the expense, indicating that she was sure that the church would absorb part or most of it. She stated that, if the playground equipment had to be moved, she thought that the church would be agreeable so that they could access their property and build a parking lot for their parishioners. Ms. Latch acknowledged that there were residents there; however, there was also a church there that was in her backyard. She noted that she prefers having a church in her backyard, which is part of a community and makes a strong community.

Mr. Simon Lowe,140 Blue Beach Drive, advised that he had resided at that address since 1996. He stated that he felt that there was not enough information about a land swap. Mr. Lowe informed members that he was getting a picture that the park would be straightened out and the playground might be moved further behind the houses. He indicated that he would like to see a proposal so that they could speak to what is proposed, noting that there may be several proposals. Mr. Lowe requested to see more information before deciding whether he would be for or against a land swap.

Mr. Brad Schmidt, 375 Alder Road, advised that he and his wife, Sunny, have resided in the house closest to the park, where the park cuts off to go into the basketball court, since 2003 when they moved here with the military. After listening to what people had to say, it seemed to Mr. Schmidt that the problems mentioned by some of the residents who had lived there since the inception and construction of the neighborhood, related to $2,500 from 1971. He stated that they failed to realize that, over the last 13 years that he had lived there, people had accessed that park illegally at night after dark. They had trashed the place, graffiti'd the Schmidt's home, and broken into their cars. In Mr. Schmidt's opinion, if the church wanted half of the land and wished to do a land swap, it would be better for him as a homeowner to get people out from behind his home. He stated that it would also get rid of the basketball court pad that was still there, where there was standing water and

mosquitos. Noting that the softball field had been mentioned, Mr. Schmidt advised that the softball field had been used maybe once or twice this entire year. He failed to see how anyone who did not live by the park and did not pay attention on a routine basis could stand there and say that the land swap was a bad idea. In Mr. Schmidt's opinion, the church should be given what they want if they were willing to help out with the cost, stating that this would benefit the residents of the community, especially those who own their own homes behind the church and in front of the basketball court.

Mr. Schmidt noted that, since the basketball poles were removed, the area is quiet, there are no cars on the road, no one double parked, no illegal trafficking, and people are not there past dark. People walk their dogs, pick up after them, and pick up after their kids. Mr. Schmidt stated that this was great as it had been turned back to the community instead of the people that came there to play basketball.

Ms. Elaine Kesselring stated that she had lived across from the property, off New Burton Road, for years and noted that Mr. Larry Kesselring had lived there since he was three (3) years old and was now 76. She indicated that they had seen all this develop. Ms. Kesselring stated that she could not see a problem with what the church was asking, stating that she sits out on their screened porch and nobody uses that property. She advised that, once in awhile, when the playground equipment was not as worn is it is now, the kids were using the equipment; however, she was unsure if it was the church school kids or kids from the neighborhood. Ms. Kesselring indicated that she would much rather have a church in her backyard than the other things that could be there if the church decided to sell their property and build a church someplace else outside the City. She indicated that she had seen this develop and is the resident that sees all of this because everyone else has fences.

Ms. Lani Lowe, 140 Blue Beach Drive, agreed with those who preferred to have a church in their backyard; however, she stated her concern as a resident about not having enough information. She advised that she would prefer to see a drawing of the proposed layout and what could potentially be behind their house. She expressed sympathy for the frustration of other residents and requested being given an actual picture of what they want to do with the swap.

Mr. Hare stated that he agreed with Mr. and Mrs. Lowe that more concrete information was needed, such as options from the church, and expressed the need to see something in terms of projected costs. He stated that he felt that this concept would benefit the church and that the costs should be incurred by those who wanted it. Mr. Hare suggested deferring this matter until there was more information.

Mr. Hosfelt stated that, by approving staff's request, members would be giving staff approval to start looking at this, design something, and come back with recommendations. He felt it would benefit some of the homeowners to be able to see the proposal. Mr. Hosfelt stated that, to get to that point, staff's recommendation to authorize the City Manager and other City staff to negotiate a proposed land swap

which is mutually beneficial to the property owners and the City of Dover, including any necessary research and legal expenses necessary to determine the terms and conditions of a potential land swap that involves the public open space known as Mayfair Park, must be approved.

Mr. Slavin moved to recommend approval of staff's recommendation with four (4) caveats, as follows: 1) that staff would come back and present at least three (3) alternatives on the proposed land swap that include maps and drawings; 2) that there would be commentary from the Parks and Recreation Department on what the potential effect would be on the future uses of the park for the land swap; 3) that it would include an estimate of costs, and a proposed cost sharing arrangement with the church would be identified, and 4) that staff was not authorized to expend any funds at this point without further approval. The motion was seconded by Mr. Caldwell.

In regard to staff's recommendation, Mr. Hutchison asked if, when this came back, it would include both the request from the church itself and input from the neighborhood so that members would obtain a clear understanding of what the needs were.

Mr. Hare questioned if the motion would authorize staff to negotiate a proposed land swap or would just authorize them to come back with proposals and costs, and that nothing concrete would happen prior to the Committee's review.

For clarification, Mr. Slavin explained that this matter would come back to the Committee and he hoped that everyone else would come back as well.

The Committee recommended approval of staff's recommendation to authorize the City Manager and other City staff to negotiate a proposed land swap which is mutually beneficial to the property owners and the City of Dover, including any necessary research and legal expenses necessary to determine the terms and conditions of a potential land swap that involves the public open space known as Mayfair Park with four (4) caveats, as follows: 1) that staff would come back and present at least three (3) alternatives on the proposed land swap that include maps and drawings; 2) that there would be commentary from the Parks and Recreation Department on what the potential effect would be on the future uses of the park for the land swap; 3) that it would include an estimate of costs, and a proposed cost sharing arrangement with the church would be identified, and 4) that staff was not authorized to expend any funds at this point without further approval.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Lewis and Mr. Slavin absent).

Proposed Mural - Kirkwood/Division Street Park

Members were informed that the Restoring Central Dover Resident Engagement Work Group had requested that a wooden fence be installed along the east boundary

of Kirkwood Street Park (at the corner of Division and Kirkwood Streets) and painted with a mural. Staff recommended acceptance of the proposal to allow the Restoring Central Dover Resident Engagement Work Group to install a wood panel fence, as proposed, and paint a mural.

Mr. Joshua Nobiling, Visiting Assistant Professor of Art, Wesley College, advised that the mural was proposed through collaboration between Wesley College and Restoring Central Dover. He reviewed pictures depicting the site where the mural was proposed, stating that there was an existing chain link fence that, although in a bit of disrepair, was structurally all there. Mr. Nobiling proposed replacing this fence with an approximate six-foot privacy fence. He noted that there would be collaboration with members of the community to decide what they would like to see on the mural. Mr. Nobiling indicated that they planned to use the Philadelphia Mural Project process, which gets the surrounding community involved in every stage of the mural creation process. Mr. Nobiling advised that the community would determine what imagery would be used, if there were any individuals to be commemorated, etc. He indicated that he would be working closely with the students using Wesley College facilities to teach them how to design and paint the mural. Mr. Nobiling advised that they would be painting the mural on separate panels housed at Wesley College, rather than on the fence itself, so that it could be completed in a timely manner without having the weather dictate their progress. He indicated that the project would take until approximately the beginning of December, to coincide with the Wesley College semester and a freshman seminar mural painting class. Mr. Nobiling advised that the project would get students out into the community and engaged in the project.

Mrs. Horsey noted that wood fences can deteriorate over the years and suggested that if the chain link fence was in fairly good repair, they might want to consider adhering the wood panels in front of the chain link fence, rather than removing the fence. Responding, Mr. Nobiling stated that it was a valid point.

Ms. Maggie Cook-Pleasant, Housing Development Specialist with NCALL (National Council on Agricultural Life & Labor Research Fund, Inc.), stated that the fence was not tall enough. Responding, Mrs. Horsey suggested placing the wood in front of the chain link fence to make it taller, noting that this might strengthen the fence as well, depending on how the poles are installed. Ms. Cook-Pleasant indicated that this could be assessed. Mr. Nobiling stated that he liked the idea, noting that it would just be a different mechanism for attaching the mural panels.

Responding to Mr. Hosfelt, Ms. Cook-Pleasant stated that the project would be supported by monies from the Wells Fargo grant or NCALL, as well as through volunteers. Mr. Nobiling noted that, since Wesley College was using this as a course, they would provide the paint and supplies.

Responding to Ms. Cook-Pleasant, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that she was unsure if the chain link fence was owned by the City, noting that it is right at the property line. She advised that staff would reach out to the adjacent property owner to determine ownership.

In response to Mr. Sudler, Mrs. Townshend stated her belief that the fence was right at the property line; however, since staff did not have a survey that showed exactly where the fence was located, they would research it to be sure. Responding to Mr. Sudler, Mrs. Townshend indicated that the height of the fence, beyond the front setback, would be a maximum of 6.5 feet.

In response to Mr. Sudler regarding how feedback would be solicited from the community regarding the mural, Mr. Nobiling stated that he usually goes door-to-door in the immediate surrounding area as well as using flyers. He indicated that a meeting would be held at Wesley College in the studio space after generating some interest. Mr. Nobiling advised that people could come by some afternoon, discuss the project, and brainstorm to generate some ideas. He indicated that he would not want to have more than three (3) such sessions, since most of the time would be needed to execute the mural and do the painting.

Ms. Cook-Pleasant explained that there is a Resident Engagement Committee that has approximately 15 people who live in the Kirkwood Street, Queen Street, New Street, and Governors Avenue area, and that committee would also be part of getting the rest of the community involved and deciding what should be on the mural.

Mr. Sudler questioned what the process would be for determining what would be on the mural, and if votes would be tallied to see if people would like former City Council members Reuben Salters, John Pitts, or Sophia Russell; former Mayor Crawford Carroll; or other individuals to be portrayed. Ms. Cook-Pleasant stated that she did not feel that there would be a problem of not including the community, given the size of the fence, which Mr. Nobiling stated was around 85 feet. Mr. Nobiling indicated that there would definitely be voting with the individuals who comprise the group. He advised that, once they hone in on a final design, they would like to present it to the Committee.

Mr. Sudler stated that he was in support of the initiative; however, his biggest concern was the process and the integrity of the process.

Mr. Neil advised that the sample murals were more abstract and, rather than depicting individuals, he suggested painting an abstract or something meaningful to the City of Dover, noting that the 300th anniversary of the City of Dover was coming up in 2017. Mr. Neil stated that the theme would be their decision and he felt that whether or not City figures were included was not terribly important; however, he felt that the times could be a theme.

Ms. Cook-Pleasant advised that they would be meeting at the Solid Rock Center with the neighborhood watch groups for the Simon Circle and Kirkwood Street areas. She noted that they would also meet with former Councilman Reuben Salters' group, so there would be a lot of input. Ms. Cook-Pleasant noted that if anyone on Council wanted to provide the input, they would be welcome, especially since she just learned that this would be Dover's 300th anniversary.

Responding to Mr. Sudler, Ms. Cook-Pleasant advised that she was not part of the neighborhood watch groups and would have to email him regarding the dates of these meetings. She explained that she is part of resident engagement, but not neighborhood watch.

The Committee recommended acceptance of the proposal to allow the Restoring Central Dover Resident Engagement Work Group to install a wood panel fence as proposed, and paint a mural, as recommended by staff.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Lewis and Mr. Slavin absent).

Update - Residential Appeal Process and Non-Compliant/Non-Conforming Uses/Review of Physical Data (53% completed)

During the Regular Council Committee of the Whole/Parks, Recreation, and Community Enhancement meeting of June 14, 2016, members were reminded that the Planning Office was creating an inventory of all non-conforming uses in residential zones within the City using a mobile Geographical Information Systems (GIS) application to collect data on the non-conforming use locations.

Mrs. Ann Marie Townsend, Director of Planning and Community Development, advised that staff had checked 2,287 of the 4,333 parcels that they needed to evaluate and found 113 non-conforming uses. She noted that most of these were multi-family and two-family homes in the downtown area where they are no longer permitted. Mrs. Townshend indicated that there were six (6) retail and office, four (4) homes that were manufactured or mobile homes, and two (2) parking lots. In some cases, the parking lots were associated with an adjacent church, which may be able to be addressed through parcel consideration. Mrs. Townshend stated that one (1) property had a stand alone shed, which also may be brought into conformance by consolidating parcels. She noted that there was one (1) membership club that did not meet the provisions of a membership club within the residential zones. Mrs. Townshend indicated that 124 uses were identified as permitted as conditional uses in the zone but may or may not have gone through the process.

Mrs. Townshend recommended leaving those uses that were permitted as conditional uses alone until such time that they wish to expand. In regard to those that are not permitted by the zoning district, a notice would be sent to the owners of non-residential, non-conforming uses, informing them that they have a non-conforming

use that would expire December 31, 2016. She indicated that, in some cases, they may end up applying for rezoning, but there would need to be some way of complying by December 31, 2016. In relation to residential, non-conforming uses, which would be conversions of single-family homes into multi-family, Mrs. Townshend advised that staff would issue notice to those that are registered as vacant that they cannot re-establish the multi-family use. She explained that there are a couple such properties that have active permits, and there would be less ability to sunset them; however, if they were registered as vacant and sitting vacant, they could be sunsetted. Mrs. Townshend noted that occupied residential uses would be phased out as they become vacant. She stated that this was her recommended strategy, noting that staff was continuing to collect data and would go through a similar process when the remaining 47% of the properties were complete.

Mr. Slavin stated his understanding that a path forward had been identified with non-conforming uses and the conditions that would provide an opportunity to become either conforming or something other than conditional. He noted that some thriving businesses had been caught in this process, noting that Mrs. Townshend had mentioned one (1) of them to him that he would not mention by name. Mr. Slavin questioned the path forward for a good business that had been active in the community serving the local area. Mrs. Townshend stated that there were two (2) locations where there were such active businesses on corner lots in the RG-1 zone and noted, in regard to those cases, that the C-1 zone is a neighborhood commercial zone that is allowed in the areas identified as residential in the Comprehensive Plan. She believed that there were three (3) cases of existing businesses where a letter would be sent out laying out options for conforming, and one (1) of those options would be to apply for rezoning.

In response to Mr. Slavin, Mrs. Townshend advised that the cost for this option would depend on the acreage and, based on the small size of these properties, she estimated the fee may be $500.

Mr. Slavin advised that this may be something that Council may want to know before the letters go out, noting that Council may consider waiving the fee. Mr. Slavin felt that Council may be inviting trouble, noting that someone who had been a good neighbor and was doing everything that they thought they were supposed to do would be suddenly told that they must pay $500 to stay in business and that their zoning would be changed.

Mrs. Townshend informed members that there would be a public notice requirement, noting that she could not administratively say that the City would perform the public notice or waive the fee; however, if Council wanted to do so, staff could take care of the public notice for those identified in this process who need to apply for rezoning.

Responding to Mr. Slavin regarding how close staff was to sending letters out to residents, Mrs. Townshend advised that this could be done at any time, noting that

she had been waiting until this meeting because she wanted to be sure she was going down the right path.

Mr. Slavin mentioned the need to do due diligence to make sure that businesses that may be affected by this are identified to head off any problems. He felt that things would be missed and there would be noise, so he requested that members bear with the process. Mr. Slavin encouraged members to work with Mrs. Townshend, her office, and the property owner to get through this. He stated that the goal was to clean things up; not to harm anyone.

Responding to Mr. Hutchison, Mrs. Townshend confirmed that 53% of the properties were completed. In regard to the timetable for full completion, Mrs. Townshend anticipated that it would take less time for the area yet to be canvassed, which included places like Fox Hall and more suburban areas of town. She explained that the downtown area was the toughest area because there were a lot of parcels close together and staff had to go look at how many electric meters were there. Mrs. Townshend felt that the more labor intensive portion was over and she expected that this would be finished before the end of the year. She stated that the second batch would be done shortly after the beginning of the year, and a similar amount of time would be given to comply.

Mr. Sudler asked how the Dover Elks Lodge would be affected, stating that dissatisfaction had been expressed by constituents in the Fourth District regarding non-conforming use activity from that business. Mrs. Townshend advised that this property was identified as a non-conforming use and they would be receiving a letter. She noted that some of the businesses were located on corners and rezoning to a C-1 zone could be easily justified; however, the Elks Lodge use would not be permitted in the C-1 zone and Mrs. Townshend believed they would have fewer options than some of the other property owners.

Responding to Mr. Sudler, Mrs. Townshend anticipated that staff would work on the letters and have them ready to go out on September 23, 2016, the day after Council's approval of this report; therefore, they would have a letter in hand in three (3) weeks. She indicated that they would be advised that they are non-conforming and would have until December 31, 2016 to come into conformance with the Zoning Ordinance. Mrs. Townshend did not believe that rezoning would necessarily help the Elk's Lodge property.

The Committee recommended providing some direction for Mrs. Townshend and that any existing business not be unduly affected by a potential rezoning so that the application fee would be waived and the public notice requirement would be conducted by the Planning Office.

Mr. Sudler stated, as new Chairman of the Parks, Recreation, and Community Enhancement Committee, he wanted to give the City of Dover constituents, especially the Kirkwood community and neighborhood watch, a brief understanding this item and how it would pertain to the Dover Elks'

Lodge. Responding, Mrs. Townsend stated that Planning Department staff had been going through all of the residential zones to inventory the non-conforming uses, were about 53% complete, and had identified a number of such uses. She advised members that staff had letters prepared to be mailed tomorrow, provided this item is approved. The letters would notify property owners that they had a non-conforming use and would need to come into compliance with the zoning ordinance between now and December 31, 2016. Mrs. Townshend stated that the letter would also provide information regarding various paths of conformance, which could be a rezoning application, a conditional use application, or ceasing of the use. She explained that there are a variety of options depending on the use.

Mrs. Townshend advised that the Elks' Lodge on Kirkwood Street was one (1) of the non-conforming uses that had been identified, so they would receive a letter and have until December 31st to come into compliance with the zoning ordinance. She stated that they would have to determine what their options were; however, at this point, it was not one (1) of the properties that would be a clear candidate for a rezoning application.

Mr. Hutchison asked whether the City had personally reached out to the leadership term of the Elks' Lodge to share the concerns which would be included in the letter. Responding, Mrs. Townshend stated that staff had not reached out to the Elks' Lodge. She explained that there are a number of property owners that would be getting similar letters and she expected that a number of people would be very concerned. Mrs. Townshend advised that the letter would encourage people to contact the Planning Office to discuss the various options for coming into conformance with the zoning ordinance.

Mr. Hutchison stated that there had been some change in leadership at the Elks' Lodge and suggested personally reaching out to them to share the concerns. He questioned how many of the issues, concerns, and complaints pertaining to the Elks were actually coming from within the Elks' Lodge versus how many have nothing to do with them and are taking place outside, noting that as the City approaches this issue, everyone needs to be sensitive to this.

Mrs. Townshend stated that staff had not planned to make specific phone calls or other specific contacts because staff believed that it is important to do this consistently and not treat different property owners differently through the process. She explained that the letter that was drafted really puts the emphasis on encouraging the property owners to contact staff, so that staff can talk to them. In response, Mr. Hutchison stated that this was a good approach.

Mr. Neil moved for approval of the Committee's recommendation of providing some direction for Mrs. Townshend and that any existing business not be unduly affected by a potential rezoning so that the application fee would be waived and the public notice requirement would be conducted by the Planning Office. The motion was seconded by Mr. Anderson and unanimously carried (Mr. Lewis and Mr. Slavin absent).

Review of New Castle County Disorderly Premises Ordinance

The Committee deferred this matter due to time constraints.

Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park
The Committee deferred this matter due to time constraints.

Mr. Sudler stated that he wanted the City of Dover constituents to know that there will be discussion in regard to a new facility at Dover Park. He noted that there are some constraints and restrictions, and requested Mrs. Ann Marie Townshend, Director of Planning and Community Development, to elaborate on some of the challenges that the City may face in the new efforts of programs and activities for the White Oak/Dover Park.

Responding to Mr. Sudler, Mrs. Townshend stated that this matter was not discussed at the Committee, so she was not exactly sure what Mr. Sudler wanted her to share. She advised that the biggest issue is that the City is somewhat confined to the same square footage. Mrs. Townshend explained that if the City is going to build a new facility, it would be confined to the size of the footprint of the prior building because of the grant funds that had been used there in the past. She stated that the State had indicated that the City could have a facility of the same size footprint and it would not have to be the exact footprint.

In response to Mr. Sudler, Mrs. Townshend confirmed that the exact building footprint means the exact blueprint of the old building.

Community Development Block Grant (CDBG) Program Quarterly Update (April, May, and June)
The Committee deferred this matter due to time constraints.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Hare presiding.

Disposal of Excess Property

Silver Lake Drive (East Lake Gardens)
During the Regular City Council Meeting of July 27, 2015, City Council considered the Disposal of Excess Property - Silver Lake Drive (East Lake Gardens), at which time Council approved the Committee's recommendation that a certain portion of right-of-way adjacent to property located at 107 Silver Lake Drive in the East Lake Gardens Subdivision, owned by Bruce and Della Parham, be determined to be excess property, and that the City Manager be authorized to convey the excess property in accordance with Exception C of the Procedures for Sale and Disposition of Real Property, provided local property owners were surveyed and there were no problems.

Mr. Scott Koenig, City Manager, advised members that a follow-up to the request initially received and discussed last year had been received from Dr. Bruce Parham and Mrs. Della Parham. The Parhams requested that the City consider disposal of the excess right-of-way. Referring to the map depicting the area, Mr. Koenig advised

that the area in red was discussed last year. He stated that Dr. Parham returned after last year's discussion and indicated that he was interested in pursuing the full potential disposal of the right-of-way south of Lakeview Drive, shown in the highlighted area. Mr. Koenig stated that the City Manager's Office delivered notices to property owners but not to the entire subdivision, noting that nine (9) notices were mailed out, eight (8) notices were delivered by hand, and one (1) property was undeveloped so it was impossible to post the property by hand. He explained that the request related to Mr. Parham's interest in expanding his lot and potentially his house.

Mr. Koenig informed members that initial discussions were about expanding a garage; however, there was currently a garage under construction on the other side of the property. From a City maintenance standpoint, he indicated that the area cross-hatched in red and the highlighted area were rights-of-way that the City did not intend to improve over time, noting there were no plans to extend Silver Lake Drive to the lake or build a dock or boat ramp. Mr. Koenig stated that, from a transportation standpoint, the City did not need the right-of-way. He explained that, from a utility standpoint, the overhead and water/sewer lines were existing, and there was a storm sewer line running through the middle of the highlighted area; therefore, if the disposal moved forward, this would have to be encumbered with an easement.

Mr. Koenig explained that, if Council wished to dispose of this property under the disposal methods because it was not a buildable lot, he would propose that the red area be granted to the Parhams. It would become part of their deed once the deed is modified and the land is surveyed. Mr. Koenig advised that the highlighted area would be split down the middle, with half going to the Parhams and the other half to the property known as Swetland at 6 Lakeview Drive through the City's disposal process. Mr. Koenig advised that it would be up to the property owners to have surveys done and the legal deeds prepared, with a caveat that utility easements would be secured for the existing infrastructure. Mr. Koenig reiterated that notices were handed out and mailed, and he had received feedback from several people, including Mr. Bill Webb, whose mailing address is Hazlettville Road and who owns the property at the inside corner of Silver Lake Drive and Lake Drive. Mr. Koenig believed that this was the property labeled as Lot 13 on the map. Mr. Koenig read into the record Mr. Webb's comments from his email dated August 8, 2016 RE: East Lake Gardens - Disposal of Excess Property and comments from Mr. Ivan Yoder from an email dated August 6, 2016 RE: Property Disposal.

Mr. Koenig advised that he also had an email inquiry from Ms. Della Burks, 482 Sunset Drive, who did not make a specific statement to be read into the record. Mr. Koenig noted that he tried to call Ms. Burks before he left the office and had to leave a voice message, so he did not have formal comments from her.

Mr. Koenig informed members that there was some discussion that there may be a reference to the right-of-way in deeds. He stated that he briefly reviewed a few electronic deeds provided by the Tax Office and did not see such a reference in those

deeds; however, if there was such a reference, the City would not be able to vacate and dispose of the property. Mr. Koenig reiterated that, from the City's standpoint, there was no intent to improve the area beyond its existence today or build any parking or access to the lake beyond the grass access there now. The City had no interest in keeping the property from an ownership standpoint; however, if Council wanted to maintain any or all of this area, Mr. Koenig stated it would be understandable based on the testimony received. He requested that the floor be opened for public comment to see if a compromise position could be reached on the request. Mr. Koenig advised that Dr. and Mrs. Parham were not available to attend since they were out of town, noting that they spend their time between Dover and New York, where they work. He explained that another option would be to defer this matter, after public comment, to a night when they could be present to articulate their request.

Staff recommended: 1) determining that the property is excess property, and 2) authorizing the City Manager to convey the excess property in accordance with Exception C of the Procedures for Sale and Disposition of Real Property.

Mr. Neil advised that a copy of the deed was given to him by the neighbors. He read from the deed dated August 24, 1979 between George William and Constance Marie Farrell and Samuel A. and Anne K. Swierc as follows:

> "It is understood that parties of the second part, their heirs, executors, administrators and assigns, shall have perpetual access to Silver Lake, in common with other owners of lots comprising East Lake Gardens development, by and through what is known as a continuation of Lake View Drive, lying between Lots Nos. 58 and 59."

Mr. Neil thought there may be a legal question, stating that advertisements back in that era basically stated that there were lake privileges for homes in this area with a dock on a 90-foot beach, which are no longer there. He believed there was a considerable question about the legality if there were no access, whether the area is owned by the City or someone else. Mr. Neil also questioned if this land would be sold or given away, noting that members had already been accused of giving away or swapping land. Responding, Mr. Koenig advised that he had not seen the referenced language, stating that if Council desired to vacate any of this property, a five (5) or 10-foot strip could be left to give perpetual access. He did not believe the language described the access as being 10, 25, or 30 feet wide and he felt it could be modified. Mr. Koenig stated that he was unsure where Lot 58 was located.

Responding to Mr. Koenig, Mr. Neil stated that the deed referenced Lakeview Drive.

Mr. Koenig advised that there had been changes to the plat in this area over time, with the development of East Lake Gardens, and there was also a vacation of right-of-way years ago at the end of Garden Lane that was considered by Council.

Mr. Hare noted, after going out and looking around, it was not a grassy field. He advised that trees had been torn out and it was a big mud pit. Responding, Mr. Koenig noted that they had cleared the property. Mr. Hare questioned if they had permission to clear property that they do not own. In response, Mr. Koenig indicated that he had given them permission to clear the right-of-way, noting that they had not cut down any major trees or shrubs, to his knowledge. Mr. Hare suggested that Mr. Koenig ride out and look at the property, which Mr. Koenig indicated he had done. Mr. Hare stated that a lot of trees were removed. Mr. Hare noted there were some trees along the lake, but before getting there, it was just one big dirt pit.

Mr. Thomas Webb, 959 Hazlettville Road, stated that although his mailing address is in Hartly; he lives next to Wild Quail. He indicated that his son owns the corner lot, and Mr. Webb's wife's father built the second house constructed in East Lake Gardens, so this community had always been a tender spot in their hearts. Mr. Webb stated that when the corner lot opposite this right-of-way became available, his son immediately bought it, as well as the house behind it, which he had since sold. It was his understanding that when Mr. Webb's father-in-law built his house, it was originally set up by Judge Keith that there was supposed to be a right-of-way for all the people in the community to have a way to the water. Mr. Webb explained that there was a small dock there that they used to swim off for the beach; however, it was not maintained since no one thought it was their responsibility. Mr. Webb stated that they would prefer not to have it subdivided, broken up, and done away with. He stated that he thought that most of the people do not realize that they have a connection to this and he suggested that a homeowners association be created with a small fee to maintain and fix up that piece of property so they could all enjoy it. He indicated that they opposed the request.

Ms. Della Burks, 482 Sunset Drive, stated that she also opposed the current proposal. She advised that when she went to settlement on her property, it was her understanding that she had lake access, and she remembered reading that language and knew it existed; however, she noted that the information had been packed away for many years and she would have to root around in some boxes to find it. She indicated that she was able to find information from 2015 regarding this issue and several things stood out. Ms. Burks questioned whether the community had been canvassed to see how they felt, noting that, to her knowledge, it had not. She advised that when she arrived home Thursday evening last week, she found a document taped to her door and she received another in the mail on Friday. When she asked some of the neighbors immediately around her, no one had received notification and she was under the impression that she was the only one. As far as the actual property and information from 2015, the only thing Ms. Burks could find regarding this issue was that a garage was to be constructed. She suggested that the City afford some sort of exception, rather than giving away actual property that belongs to the community to enlarge their property. In addition, Ms. Burks advised that they walk their grandchildren down in this area and enjoy seeing the water and ducks. She stated that for them to enforce their property right, it would mean that at some point they would have to violate the law and trespass for something that was supposed to be

their property rights. Ms. Burks indicated that they were opposed to the request, noting that this is an entry to Silver Lake and once it is gone and becomes privately owned, there will be no other access on that side of the lake since this was the final little parcel. She stated that anybody who had lived there longer than them had remembered that it was a beachy area with sand and a dock, which had already been lost to a massively ugly tube that juts out to drain water now. She noted that something had already been lost, and felt that to now make it private property and lose the ability to walk to the lake would be pushing it a little bit.

Ms. Elisa Vassas, 478 North East Avenue in East Lake Gardens, stated that she had mentioned during the Regular City Council Meeting of August 8, 2016 that her mother purchased the house that she lives in now and had lived in since 1968. Ms. Vassas advised that she had just learned of the request from Ms. Burks at the end of last week and had not received any kind of letter. She was rather upset that she found out this discussion started with some folks that do not live in the area and are very seldom at that house. Ms. Vassas understood that they work in New York; however, she felt it upsetting that they came into the community and thought they were going to buy or take access from those who had lived there for 40 plus years. She indicated that she tried to get out and walk to as many neighbors as she could to see if anyone had a letter, and no one else did. Ms. Vassas was unsure if people that do not spend much time there were randomly selected to receive a letter; however, the neighbors that she ran into before yesterday's meeting did not know about it and were definitely opposed, and some questioned whether they needed to prepare a petition or something to that effect. Ms. Vassas stated that they remembered what it was like and what had been taken from them, expressing her hope that this small parcel would not be taken away. She stated that she had offered the copy of the deed from one of the neighbors, which she stated mentioned the residents.

Mr. Joseph Swiski, 481 Sunset Drive, stated that, like the other presenters, he did not receive notice either by mail or on his door and he found out about the request from Ms. Burks, who lives across the street. He felt that the tree removal looked disgusting, stating that they formerly walked by and there were beautiful trees lining the side of the lake, and all of a sudden it was devastated and they were gone. Mr. Swiski was now finding that it was agreed that the City would allow them to remove the trees and this would be open space. He felt it sounded like the decision was already made that it would be their property and he hoped this was not the case. Mr. Swiski viewed this as taking away one of the pleasures he has of walking down to the lake and enjoying it in order to provide them the ability to expand their home. He did not think this was a fair trade and felt that a 10-foot pathway was not a good idea, thinking that it would be lined with fencing since there would be no other way to make sure that people do not step on their property. Mr. Swiski stated that he was vehemently opposed to the request.

Mr. Neil suggested that this matter be tabled because the deed, which had been handed to him, had to be verified. If the deed was valid, he did not see how someone could be allowed to have the land, whether through a giveaway or a sale. Mr. Neil

stated that he believed that promises made should be kept, whether made by the City or someone else, unless there was some earthshattering reason to go back on their word. Mr. Neil stated that the promise that access would be there had to be carried on as the houses are sold.

Mr. Neil moved to table this matter so that the deed could be verified, seconded by Mr. Slavin.

Mr. Slavin stated that as long as there was one (1) deed that guaranteed access to the lake, Council's duty was to protect and preserve that access, believing that this was Council's role as elected officials. He felt that there may be a need to investigate if the previous action taken by Council was legal, given that there were deed restrictions in that area.

Mr. Koenig advised that the previous action by Council was never completed and the deeds were not modified; therefore, the deeds as they exist today are the same as before the original request was made. Mr. Slavin stated that members, as a Council, may need to go back and undo that action.

Mr. Koenig expressed his belief that the original action was contingent upon notification of everybody and getting comment back. Noting that people were indicating that they did not receive notice, Mr. Koenig advised that the notices were delivered to the two (2) parcels that abut the lake, the four (4) parcels that include Ms. Burks, Mr. Yoder, Mr. Webb, and a fourth property in the corner, and two (2) properties going north on Sunset Avenue. The east side of Sunset Avenue was not noticed.

Mr. Shevock stated that he believed that when this area was developed, one of the stipulations was that those who bought a lot would be guaranteed access to the lake. It was his feeling that if each of these properties were researched, that language would be found in the deed, stating that access could not be given away and would be there for life.

Mr. Hosfelt stated that if the City made the mistake and the adjoining property owner had removed some trees, then the City would bear the responsibility to try to put the area into the condition it was before to help the neighborhood, noting that it was a comment rather than a motion.

Responding to Mr. Sudler regarding the notification process, Mr. Koenig stated that, to his knowledge, there was no prescriptive process in the code. A letter was hand delivered to eight (8) of the nine (9) properties, and there was a mailing to nine (9) properties, which were the most immediate properties around the area that was being discussed. Mr. Koenig indicated that there was a hand delivery taped to the door and a mailing.

Mr. Hare questioned what Dr. Parham was told about the property and if he was permitted to start tearing down trees. Responding, Mr. Koenig stated he thought that Dr. Parham sent him an email requesting permission to clean up the property. Mr. Koenig was unsure if the wording referred to trees or small trees, stating that he would have to go back and look. Mr. Hare stated that he would like to see what that entailed.

Mr. Hare stated that there was a motion to table until the deed could be verified.

The Committee tabled this matter pending verification of the deed.

Mr. Slavin requested that the residents of East Lake Garden be notified if this matter appears on a Council agenda.

106 and 110 South New Street - Offer from NCALL Research, Inc.

Mr. Scott Koenig, City Manager, informed members that the properties at 106 and 110 South New Street, on the west side of South New Street, were part of a purchase and donation related to the House of Pride in 2015. He noted that these properties are currently vacant lots. Mr. Koenig advised that the City had been approached by NCALL Research to sell them the properties for $10,000 each, explaining that the City did not intend to improve them and would like to see them go back on the tax rolls. Mr. Koenig explained that NCALL intended to build owner-occupied housing for low and moderate income households on this area. He stated that the City had $21,902.75 in expenses for the property at 106 South New Street and $37,015.50 for 110 South New Street, noting that these expenses related to demolitions of prior structures on the properties. Assuming that the City received an offer price of $10,000 per property, the City would be taking a loss of approximately $39,000 for the two (2) properties; however, this would put them back on the tax rolls with owner occupied housing. Mr. Koenig noticed that this was a goal of Restoring Central Dover, as well as a goal of City Council, for the downtown area. He indicated that the City would be very close to recovering the assessed land value of $13,100 for 106 South New Street and $11,600 for 110 South New Street, which staff believed was a good proposal for Council to consider.

Staff recommended: 1) determining that these properties are excess properties; and 2) authorizing the City Manager to complete a final agreement of sale to NCALL Research, Inc. For $10,000 per property.

In response to Mr. Shevock, Mr. Koenig advised that the assessed values provided were strictly the values of the land. In regard to the value of the properties once the houses are built, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that the houses that Habitat for Humanity had built on South Kirkwood Street had appraised for $160,000 and it was expected that these houses would be in the same range.

Mr. Sudler expressed concern that the City would still be taking a loss, stating his opinion that, if sold to NCALL, the properties should at least be sold for approximately $13,100 for 106 South New Street and $11,600 for 110 South New Street. Mr. Sudler questioned if consideration had been given to putting the land on the market for feedback from potential buyers apart from NCALL.

Mr. Koenig reiterated that the assessed values, according to the Tax Assessor's Office, were $13,100 for 110 South New Street and $11,600 for South New Street. He advised that the City had not put those properties for sale on the market and did not have a market bid on the properties; however, the transactions with Habitat for Humanity ranged from as low as $7,500 to as high as $15,000. He felt that the $10,000 offer seemed reasonable from what staff had seen from the non-profit sector.

Mr. Slavin stated that the City had partnered with NCALL and Habitat for Humanity, who had proven that they were good partners, turning bad places in the City into good places and doing this quickly. He felt that if the City went to the open market to allow people to purchase these properties, they would run the risk of ending up with empty lots and bad places in the City. Mr. Slavin stated that he appreciated Mr. Sudler's concern about the bottom line; however, his own bottom line was not about dollars but about getting families living in these neighborhoods and getting the streets back.

Mrs. Townshend wished to add to the record how this proposal would fit in with some of the other things happening in the immediate area. She indicated that Habitat for Humanity had purchased a lot at 67 South Queen Street, believing that the City received $7,500 for this lot, and NCALL or Habitat had ownership of 101 South Queen Street, noting that those properties back up to the properties being discussed. Mrs. Townshend advised that NCALL has 112 South New Street under contract, which is just south of the property at 110 that is owned by the Downtown Dover Partnership (DDP), and 108 South New Street, located between 106 and 110 South New Street. She explained that this transaction would take both the Queen Street and New Street sides of the block that have had a lot of problems over the years and put this block in the hands of organizations that are going to build homes that will be owner occupied. Mrs. Townshend stated that these organizations would bring in homeowners, noting that home ownership was a goal. She reminded members that this is was an area of the City with a rental rate that is higher than what is needed for the community. She stated that she felt this proposal was very much in line with all the plans for downtown, whether they were for the Downtown Development District, City of Dover Consolidated Plan, or Restoring Central Dover.

Mr. Hutchison stated that he very strongly supported staff's recommendation and appreciated the efforts of the City Manager and City Planner in working with NCALL and Habitat for Humanity. He stated that identifying and putting people in homes in the target area means they are there to stay and it spoke well of their commitment.

The Committee recommended: 1) determining that these properties are excess properties; and 2) authorizing the City Manager to complete a final agreement of sale to NCALL Research, Inc. for $10,000 per property.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Lewis and Mr. Slavin absent).

Consulting Services for Enterprise Resource Planning (ERP) Technology Upgrades

Members were advised that the Finance Department solicited proposals for consulting services to assist the City with an Enterprise Resource Planning (ERP) project and eight (8) proposals were received. Mrs. Donna Mitchell, Controller/Treasurer, explained that the project would consist of two (2) phases, with the first phase consisting of an ERP needs assessment, software Request for Proposal (RFP) development, vendor selection, and contract negotiations. She advised that this would be a 32-week process and it was hoped that Phase I would be complete just before the budget process in 2017, when staff should be able to provide a cost/benefit analysis for moving forward and an estimated timeline for completion.

Referring to the FY 2017 Capital Investment Plan (CIP) project sheet for the ERP Solution, Mrs. Mitchell stated that, at this time, staff should also be able to provide an idea if the current cost estimate for the project would have to change. She advised that, based on the schedule provided by the consultant, it would be necessary to stay as closely to the schedule as possible in order to provide the cost estimate in time for the budget.

Mrs. Mitchell stated that the City Manager had suggested that there be assistant project managers, noting that there were quite a few staff members that are close to retirement and it is important to have institutional knowledge regarding the project. Mrs. Mitchell explained that a team was being put together on that basis.

Staff recommended that the Controller/Treasurer be authorized to enter into a contract with Berry Dunn McNeil & Parker, LLC (Berry Dunn) for Phase I of an Enterprise Resource Planning (ERP) needs assessment, software development, vendor selection, and contract negotiations.

Responding to Mr. Hosfelt, Mrs. Mitchell stated that the project was budgeted in the CIP in the electric fund with an allocated contribution coming from the Water/Sewer and General Funds.

Mr. Slavin stated that this would be a very important project, noting that getting the right information into the hands of the right people would be like making sure that there is oxygen in the building. He also noted that the ERP is important to what will be done in the City and that switching over systems would be a critical moment. Mr. Slavin questioned what types of business practices would need to change in order

to avoid modifications to the system and whether they would include such things as modification speed, cost overruns, and project scheduling problems. In response, Mrs. Mitchell indicated that she did not know at this time; however, she felt the needs assessment that would be conducted should indicate what business practices may need to be changed.

Mr. Slavin felt that someone on the City's team must be the guardian of the project and recommended that someone be the gatekeeper for the changes and modifications and it must be someone who can say "no" a lot. Mrs. Mitchell advised that she is the project lead, as recommended, so she felt these bases would be covered, stating that she has five (5) assistants under her and that staff was trying to ensure the success of the project.

The Committee recommended authorizing the Controller/Treasurer to enter into a contract with Berry Dunn McNeil & Parker, LLC (Berry Dunn) for Phase I of an Enterprise Resource Planning (ERP) needs assessment, software development, vendor selection, and contract negotiations, as recommended by staff.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Lewis and Mr. Slavin absent).

UTILITY COMMITTEE

The Utility Committee meeting was held with Mr. Hutchison presiding in the absence of Mr. Cole.

Request for Street Abandonment (Improved) - Topaz Circle Stub Street/Adoption of Resolution No. 2016-08 Setting a Public Hearing for September 12, 2016 at 7:30 p.m.

Mr. Scott Koenig, City Manager, advised members that, during the Regular Council meeting of June 27, 2016, City Council waived the normal process for street abandonment and initiated a request to abandon the Topaz Circle stub street located in the Emerald Pointe subdivision. He noted that it had been the subject of discussion at committee meetings and other venues earlier in the year.

Mr. Koenig advised that the abandonment was reviewed by staff and Ms. Marie Anne Florendo, the property owner at 402 Topaz Circle, expressed interest in participating in the abandonment request.

Mr. Koenig advised that, for at least the last two (2) decades of City Planning, the City had encouraged the interconnection of developments through the planning and engineering processes. He explained that the Emerald Pointe subdivision has two (2) stub streets, one to the south leading to College Road, known as Topaz Circle, and one to the west known as Opal Place. He stated that a number of City subdivisions, such as the Village of Westover, Village of Cannon Mill, Lexington Glen, and

Independence Village were planned with the requirement of interconnection, noting that Pin Oak Drive in Hidden Oaks is stubbed to potentially connect to undeveloped land north of it. Mr. Koenig advised that the City's subdivision code indicates that multiple points of access are required beyond 20 lots, and this is a component of planning for residential subdivisions. He stated that, from a planning and engineering standpoint, this had been a successful component of development in the City; however, the City is sometimes challenged on the issue of interconnectivity and the discussion of potential cut-throughs.

Mr. Koenig stated that the undeveloped property to the south known as The Arbors had come before the Planning Commission as many as three (3) times over the past 10 or more years, and each time there had been a discussion of a stub street connecting to College Road as a component of the development. There had been discussions many times at the Planning Commission level, and probably at the conceptual subdivision levels, about interconnectivity and staff's interest in interconnectivity to give people multiple options to get into developments and allow them to traverse from one development to another by car, bicycle, and walking path. Mr. Koenig stated that in the staff review, every department recommended maintaining interconnectivity for very different reasons: from the engineering standpoint, for safety and utility purposes; from the Fire Marshal for emergency response and multiple accesses to different areas; from planning, and as the basis of good community planning.

Staff recommended that the subdivision code be kept intact and that this stub street not be abandoned due to emergency vehicle access to the Emerald Pointe Subdivision. If the Utility Committee and/or City Council is in favor of proceeding with the proposed abandonment, the following actions were recommended: 1) the abandonment be conditional upon utility easements that would be recorded with the deed modifications; and 2) that City Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016.

Mr. Koenig advised that if the overwhelming community response and Council's request was that the stub street be abandoned, staff felt the need to make everyone aware of the potential consequences of abandonment. He noted that interconnection would also have potential consequences, including the potential for people cutting through the development; however, from the overarching premises of community planning, staff supported the interconnection. Mr. Koenig stated that the Public Works Department recommended, if it is abandoned, that the utility easements be recorded correctly with any deed modifications. Mr. Koenig indicated that if it is abandoned, the question would become whether the street that had been constructed would have to be removed at some point in the future. Mr. Koenig indicated that the big issue was whether multiple points of access, emergency access, and community planning were being weighed at the legislative level with the negative reaction of the community to interconnectivity, and he questioned which of those arguments would carry the weight. He reiterated that staff supported the stub street ultimately being connected to the proposed development and that a thruway be allowed. Mr. Koenig

stated that, in reality, the people who live in the subdivision have a right to make decisions on this subdivision; however, that if those who bought into the subdivision looked at the overall plat, the stub streets were shown and were actually constructed almost to the property line when the curb lines were put in, not included as a future right of way. Mr. Koenig advised that it is done that way so that people would see it as a potential future interconnection to something when they are evaluating the residence. The people who are evaluating whether they want to live there typically know that there is potential for that street to be connected to either the next community or the next street at some point.

Mr. Sudler questioned if this was the same issue that was discussed when over 30 community members came from Emerald Pointe and stated that they did not want this interconnection. Responding, Mr. Koenig stated that he did not have a number, but there were people who came in and spoke against it, commenting that these were the same people that bought into a subdivision that had that interconnectivity constructed to the property line. He indicated that this was certainly true for the people who bought in the back area, since the curb lines were put in when they were laying out the roads in each section of the subdivision.

Mr. Sudler advised that the minutes would reflect that members voted not to provide the interconnection that Mr. Koenig was advocating and had said that they would find another avenue to do this. Mr. Sudler was disturbed that the same proposal was coming back when they said they would find another way to do this. He felt this undermined the constituents of the First and Fourth Districts, since Emerald Pointe is in the First District and is next to College Road, which is in the Fourth District. Mr. Sudler felt it was not right to come back with the same suggestion.

Mr. Koenig explained that Council listened to what was being said and then asked staff to go through the process, which is to abandon the right of way. Staff was recommending that it not be abandoned because of community planning and the other things that had to be laid aside to do this. Mr. Koenig advised that if Council felt that the residents' request overrides the subdivision code and the pre-recorded plats for this subdivision, and makes the recommendation to abandon the right of way, staff was requesting that there be a reservation of easements. Staff also requested that Council adopt a resolution setting a public hearing for the abandonment for September 12, 2016. Mr. Koenig stated that it was completely up to the Committee and Council to make that recommendation.

Noting the Fire Marshal's concerns about safety and only one way in and out of the neighborhood, Mr. Hosfelt questioned if there were any recorded incidents in Dover where this had been an issue. Responding, Mr. Koenig indicated that while there had been a significant number of runs for Robbins Hose Company, there had not been a significant number of front page accidents or tragedies to report. He knew of no examples where there was an accident in the throat of a subdivision and emergency services could not get in.

Mr. Blakeman advised that he lives in a neighborhood with one (1) access. He explained that there was an accident at the entrance and no one could get in or out for four (4) hours, noting that they would have been stuck if there had been an emergency. Mr. Blakeman stated that he realized that people on the stub street do not want traffic going by; however, he stated that their houses may catch fire. He indicated that he sat for a half hour to 45 minutes trying to get past that development, noting that emergency responders would have difficulty getting in. He felt that abandonment would put the whole development at risk and expressed 100% support for not abandoning the right of way.

Mr. Hosfelt stated that this was similar to an old argument about not having speed bumps because fire apparatus has to respond, noting that he had heard the argument for years from the Fire Department. He informed members that he had driven an emergency vehicle for over 34 years and never had a problem getting into a development with one (1) access and one (1) entry control point. Mr. Hosfelt stated that he believed the greater safety point was the children and the residents of the neighborhood that would have to put up with all the traffic that usually uses College Road. As soon as it is learned that this is a shortcut to McKee Road and Route 1, he could not imagine what they would go through, and what members would go through when they have to hear about it.

Mr. Hosfelt moved to recommend moving forward with the abandonment of the Topaz Circle stub street, taking into consideration the request to follow the actions listed in staff's recommendations that the abandonment be conditional upon utility easements and that Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016. The motion was seconded by Mr. Sudler.

Referring to Mr. Blakeman's comments, Mr. Koenig stated that if Mr. Blakeman's subdivision had been built out completely, it would have had two (2) accesses, because the farm that represents the other side of the planned subdivision was bought and put into preservation. He believed that a stub street was constructed to the actual property line of Cranberry Run.

In regard to the issue that Councilman Hosfelt alluded to, Mr. Koenig stated that, years ago, when planning the Village of Westover, the entrance and the exit were made wide because of discussion about the possibility of an accident in the entrance that would prevent or close one (1) side of it. He noted that the opposite side was built wide enough for two-way traffic on a temporary basis. Mr. Koenig indicated that this was prior to the construction of the Village of Cannon Mill, and this was the only discussion he could recall on this issue.

Mr. Sudler stated that if it is believed that one (1) entrance access is not sufficient, Councilpersons or constituents should recommend that planning and zoning no longer approve having only one (1) entrance, but require emergency access, such as a road that is only used for emergencies and not for general traffic. He stated that he

felt that both views were valid; however, since Emerald Pointe was not even 10 years old and was approved for only one (1) entrance, he believed that the City should allow it. Mr. Sudler stated that if there was a second entrance, it should be for emergency access only and not public traffic.

Mr. Neil expressed concern about the distance that a fire engine would have to go around if there was no access to the entrance. He stated that the residents do not want the additional access, and if they did have a problem with firemen getting in or getting in on time, it would be on the residents. Mr. Neil noted that he would vote for the motion because it still has a process to go through where members can express second thoughts.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that, in regard to multiple accesses on a major road, most of the major roads in the City of Dover are Delaware Department of Transportation (DelDOT) roads. Access to those roads is granted by DelDOT in accordance with their subdivision regulations. Mrs. Townshend explained that DelDOT would not grant multiple accesses directly to a road because their subdivision regulations also rely on interconnection. She indicated that how DelDOT governs access to roads, as well as the engineering practices and planning practice throughout all of staff's collective professions, relies on interconnections and limited access points to the major roads. Mrs. Townshend explained that the reason for this is to ensure that there are not too many access points to primary roads, which causes congestion and safety issues. She stated that this was planned with one (1) access to Scarborough Road, but also two (2) stub streets, with the anticipation that these properties would develop. Mrs. Townshend advised that those stub streets were seen as additional access points to public roads, and they helped the development to comply with the subdivision regulations. Mrs. Townshend stated that members could proceed as they wish; however, she reiterated that the land planning process is very much intertwined with the State and DelDOT's regulations for road access, and this changes how some of those dynamics work.

Mr. Hare noted that one (1) of the properties was zoned R-20 and one (1) RG-2 and questioned if there were proposed communities going in there. Responding, Mrs. Townshend indicated that an active development application on the RG-2 property spurred this issue, because this application was to build senior apartments on that property. She stated that a road was dedicated during a previous application that would be built and would connect with the Topaz Circle stub street, and that is what brought this matter forward. Mrs. Townshend explained that the R-20 property was wooded and, to her understanding, was very wet and likely not developable. She noted that if a development application for this area is received at some point in the future, staff would review it.

Mr. Hare questioned if the Pin Oak Drive development would continue to have one (1) entrance and exit. Mrs. Townshend stated that it may, stating that she did not

know if a wetland delineation had been done on the R-20 property, reiterating that it is very wet.

In response to Mr. Hare, Mrs. Townshend advised that one (1) 48-unit senior apartment building was proposed for the RG-20 property.

Mr. Blakeman stated that if the stub street was not allowed, another 48-unit development with single access would be created, two (2) developments would be isolated, and the people who want to buy there may not be happy about it. He believed that if the other parcel was developed, the same neighbors would come back saying that they do not want that stub street abandoned because this is what happened the first time. Responding, Mr. Blakeman advised that any possibility of secondary access would be eliminated to at least two (2) developments, and maybe three (3). He felt that members would have a hard time denying others if this was approved.

Mr. Hare stated that this would not be any different from some of the other apartment complexes all over the City, and Mr. Blakeman concurred; however, he stated that the planning scenario indicates that the City should not be doing this.

The Committee recommended moving forward with the abandonment of the Topaz Circle stub street, taking into consideration the request to follow the actions listed in staff's recommendations that the abandonment be conditional upon utility easements and that Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016. *(City Clerk's Office Note: In accordance with the City's Procedure for Street and Alley Abandonments, Resolution No. 2016-08 setting a Public Hearing will be presented to Council for consideration.)*

Mr. Hare advised that the Council Committee of the Whole/Utility Committee recommended moving forward with this matter, and reminded members that this matter had been previously discussed and residents had attended the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting of April 26, 2016.

Mr. Sudler asked if the community had been notified that there will be a public hearing on September 12, 2016 at 7:30 p.m. Responding, Mr. Hare stated that once Council sets the public hearing, notice would be provided in the newspaper on Wednesday, August 24, 2016. Mr. Hare suggested that members could also call their constituents to let them know.

Mr. Sudler moved for approval of the Committee's recommendation to move forward with the abandonment of the Topaz Circle stub street, taking into consideration the request to follow the actions listed in staff's recommendations that the abandonment be conditional upon utility easements and that Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016. The motion was seconded by Mr. Neil and by a unanimous vote (Mr. Lewis and Mr. Slavin absent), Resolution No. 2016-08 was adopted. *(City Clerk's Office Note: Subsequent to the meeting, Resolution No. 2016-08 was revised to reflect that Topaz Circle stub street is improved and to correct the dimensions of the property being abandoned* ***(Exhibit #1)***.

Electric Department Federal Regulatory Audit Report (Informational Only)

Mr. Scott Koenig, City Manager, advised that the City of Dover Electric Department underwent a mandated compliance audit between April 18 - 29, 2016. This audit was performed by Reliability First (RF) and was evaluated using applicable North American Electric Reliability Corporation (NERC) Standards for the City of Dover's current registration as a Distribution Provider (DP). Mr. Koenig informed members that this was a complex technical audit with industry experts who come and look at the system, processes, and documentation. He advised that the last audit was completed in 2010.

Mr. Koenig informed members that, based on the summarization letter dated July 15, 2016, there were no violations noted by RF, and only one (1) prior Open Enforcement Action was in place when they did the audit; however, Open Enforcement Action was directly related to a mitigation plan that was active while the Audit Report was still active. Mr. Koenig advised that the mitigation plan was completed and approved on May 31, 2016; therefore, this Open Enforcement Action was cleared.

Mr. Koenig stated that, based on the outcome of this audit, the City of Dover was in compliance and no fines will be imposed on the City of Dover relating to this compliance audit. Additionally, no fines were imposed for the previously Open Enforcement Action related to the mitigation plan.

Mr. Koenig explained that Mr. Harry Maloney, Electric Director, and his staff worked diligently to get the City into compliance with the standards. He expressed pride in the work that they did to get to this point, and, on behalf of the City Manager's Office, he thanked them for their efforts.

Mr. Koenig noted the importance of maintaining the standards and audit compliance because public power is important to all.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) (April, May, and June) (Pre-Audit)

Mr. Scott Koenig, City Manager, stated that he had no additional comments regarding the Quarterly Review of the Utility Related Capital Investment Plan and offered to respond to any questions.

Mr. Blakeman stated that there were projects that had not been completed in the previous four (4) years that totaled approximately $14M. He questioned if these funds were rebudgeted in the current budget year or retained in an account to be paid out when the projects are completed. Responding, Mr. Koenig stated that there are projects, such as the Denney's Road water tower, that have a project budget that carries forward and the expenses for that project are paid from the current year.

Mr. Blakeman asked if the money was in the budget or if it is money that has been budgeted and retained to pay the expenses when they are incurred. Mr. Koenig

responded that when the first budget ordinances are prepared, any projects that have not been started that have a project budget that will continue are rebudgeted as part of the budget ordinance.

Mr. Hutchison moved for acceptance of the Council Committee of the Whole Report. The motion was seconded by Mr. Anderson and unanimously carried (Mr. Lewis and Mr. Slavin absent).

EVALUATION OF BIDS - EAST WATER STREET BRICK PROJECT (SIDEWALK REPLACEMENT ADJACENT TO CHRIST CHURCH)

Mr. Scott Koenig, City Manager, informed members that the need for upgrading the existing sidewalk and small retaining wall located along the south side of East Water Street, adjacent to Christ Church, was identified a number of years ago. Community Transportation Funding (CTF) was requested for the project from area legislators. Mr. Koenig advised that the existing sidewalk and retaining wall were in disrepair and in need of replacement due to age and settlement. The work under this project generally would consist of mobilization and demobilization to the site, establishment of maintenance of traffic, establishment of sediment and erosion controls, as well as the removal, disposal and replacement of approximately 114 linear feet of brick-faced retaining wall, brick sidewalk, and concrete curb. Mr. Koenig stated that this project would provide pedestrians within the City of Dover a safer means of egress along East Water Street. East Water Street is a State maintained right-of-way, so there would be additional construction controls in place during the project. Mr. Koenig explained that, even though this is a State maintained right-of-way, the City, under a blanket maintenance agreement, is required to maintain the infrastructure behind the face of curb, so this was a City project for which several legislators had committed Community Transportation funds.

Mr. Koenig stated that the bid was advertised to the public as an Invitation to Bid in accordance with the City's Purchasing Policy by the City's purchasing agent under ITB #17-0001PW. Bids were opened on August 9, 2016 and one (1) bid was received from Sam's Construction LLC, located in Wilmington, DE. Mr. Koenig informed members that the base bid was $80,700.00 and staff reviewed the bid, found that Sam's Construction LLC met all of the bid requirements, and recommended the award to Sam's Construction LLC. Mr. Koenig stated that $65,000 in Community Transportation funds were authorized for this project. He advised that staff had submitted an additional request to the legislators, and at least one (1) legislator had indicated interest in funding the balance of the project; therefore, the entire project would be paid for through CTF. Mr. Koenig stated that this project had been requested for a significant amount of time and would benefit the general public.

Staff recommended awarding the contract to Sam's Construction LLC for the East Water Street brick project, Bid #17-0001PW, for the amount of $80,700.00.

In response to Mr. Hosfelt regarding whether the wall being replaced belonged to the church, Mr. Koenig advised that the small knee wall/retaining wall immediately behind the sidewalk had tilted in some places; therefore, some rehabilitation would potentially have to be done as part of the project. He explained that the large wall belongs to the church, but this very small, knee-height wall was located in front of the church's wall and within the right of way.

In response to Mr. Sudler, Mr. Koenig stated that the wall is brick and is approximately four (4) inches thick, 18 to 24 inches high, several hundred feet long, and extends beyond the project area. He stated that the City had received only one (1) bid, which was from Sam's Construction LLC. Mr. Koenig advised that bids were solicited in accordance with the City's Purchasing Policy and the project was advertised for at least 10 days.

Mr. Sudler moved for approval of staff's recommendation to award the contract to Sam's Construction LLC for the East Water Street brick project, Bid #17-0001PW, for the amount of $80,700.00. The motion was seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Slavin absent).

In response to Mr. Hutchison, Mr. Koenig expressed his hope that work would start in 30 days, noting that the contract must be signed. He stated that the project was given 90 days; however, it was in the contractor's best interest to shorten this. Mr. Koenig hoped the project would be completed within the next 60 to 75 days.

EVALUATION OF BIDS - SOUTH NEW STREET WATER MAIN REPLACEMENT

Mr. Scott Koenig, City Manager, advised that the Fiscal Year 2017 Capital Improvement Plan includes a project called Water Quality Improvements. Staff identified the need for upgrading the existing four-inch water main located in South New Street, between Loockerman Street and Water Street. The existing undersized main was installed in approximately 1960 and was made of unlined cast iron pipe. Mr. Koenig explained that the project would replace this main with a new eight-inch, cement-lined, ductile iron pipe water main. He stated that the road in this area was in extreme disrepair and, once the water main is replaced, there would be a separate paving project to rehabilitate the pavement, curb, and sidewalk. Mr. Koenig indicated that the new water main would provide City of Dover customers with improved water quality, increased system reliability and improved fire protection.

Mr. Koenig indicated that the bid was advertised to the public as an Invitation to Bid in accordance with the City's Purchasing Policy by the City's purchasing agent under ITB #17-0002PW, and bids were opened on July 27, 2016. The City of Dover received two (2) bids; however, the bid from Aztech Contracting, Inc. was deemed non-responsive because they did not submit the required paperwork. He advised that, based on the submissions submitted, Teal Construction, Inc. met all bid requirements and qualifications for the project.

Staff recommended awarding the contract to Teal Construction, Inc. for the City of Dover New Street Water Main Replacement Project, Bid #17-0002PW, for the amount of $292,500.00.

Mr. Anderson asked if some of the budgeted expenditures would be saved for the road work or if the project came in under budget. Responding, Mr. Koenig explained that the road work would be funded separately. He stated that funds would be sought through the Community Transportation Fund (CTF) or the project would become part of the FY 18 street program. Mr. Koenig stated that staff would not propose to pave and/or do concrete rehabilitation until approximately one (1) year after the waterline is complete.

Mr. Anderson noted that the original budget was $645,800 and this expenditure would be $292,500. He questioned if this was the full expenditure for this project or if more spending was expected. In response, Mr. Koenig stated that the umbrella water quality improvement project in the FY 17 budget was $645,800 and this project was the segment that was going to construction. The balance of the $645,800 was intended for another pipe replacement project that would be brought to Council.

Mr. Anderson asked if the City had previously had work performed by Aztech Contracting, Inc. and if it was unusual for them not to provide all of their paperwork. Responding, Mr. Koenig stated his understanding that an Aztech staff member filled the paperwork out incorrectly and City staff had contacted them to tell them that the City needed exactly what was in the bid documents. He explained that they had submitted a bid but did not submit the necessary documentation to make the bid responsive.

In response to Mr. Sudler regarding what was not submitted, Mr. Koenig indicated that all contractors submitting bids were to include an acceptable experience record, acceptable equipment schedule, references, and business documentation as identified in the Statement of Qualifications within the Bid Specifications. He explained that because Aztech Contracting, Inc., did not submit the necessary documents for the bid, they were deemed non-responsive and their bid was not accepted.

Mr. Sudler asked if Aztech's experience was not known. Responding, Mr. Koenig stated that staff knew their experience, but they still had to fill out the paperwork and submit it as part of the bid package. He noted that Aztech had worked for the City before, but it was not up to the City to fill out the correct paperwork and submit it as part of the bid. Mr. Koenig stated that it was the responsibility of the contractor to fill out the contract bid documents as requested, and they failed to do this. Mr. Sudler asked if the City had the document with this information on file since this company had worked for the City before. Mr. Koenig stated that there were multiple documents involved and more than just one (1) issue.

Responding to Mr. Sudler, Mr. Koenig advised that two (2) bids were received for the project and Aztech Contracting, Inc., who had a base bid in the amount of $206,088.66, was deemed non-responsive. Teal Construction, Inc. had a bid in the amount of $292,500.00, which was deemed a responsive bid because it contained all of the required documentation.

Mr. Hare felt that the $90,000 gap between the two (2) bids seemed like a large difference and questioned if Aztech Contracting, Inc. had done good work for the City previously. Responding, Mr. Koenig indicated that they had done acceptable work; however, if the City accepted a bid without the proper documentation, there would be challenges from everyone else who had submitted bids.

Mr. Anderson asked if refusing the bids and reopening them would be an acceptable option. In response, Mr. Koenig stated that the entire bid package would have to be re-advertised. While he noted that this might be prudent, it would reset the entire process by approximately three (3) months. Mr. Koenig stated that this would put this project into the winter; however, he believed that the project would be constructed over the winter anyway.

Mrs. Donna Mitchell, Controller/Treasurer, stated that Mr. Koenig was following the City's Purchasing Policy, and she believed that doing anything different from what he had done would be in violation of the Policy, which had been approved by Council.

Mr. Sudler questioned the reason that it would take three (3) months to reset the process and if there was a constraint that stated that the City must wait three (3) months to award a bid. Responding, Mr. Koenig explained that if Council rejected the bids, staff must reformulate the advertisement, all the bids that are received must be reviewed, and the bids must then come before Council for award. He indicated that this might take six (6) weeks or two (2) months rather than three (3) months; however, the entire bid process would be reset.

Mr. Sudler asked how long it took to process all of the information for the bid. Responding, Mr. Koenig stated that he did not have that information.

Mrs. Mitchell expressed concern about rejecting a bid in order to rebid the project in hopes of obtaining a lower bid. She noted that the lower bidder had not followed the Policy and the other bidder had, even though their bid was higher. Mrs. Mitchell felt that Council would be opening themselves to a court challenge by rejecting the current bids.

Mr. Lewis asked if this matter was at Council's discretion since it was the City's money. Responding, Mrs. Mitchell felt that if one bidder followed the Policy and provided all the bid documents they were supposed to provide, and Council decided to reject this bid and penalize this bidder, Council would be challenged on this.

Mr. Lewis noted that more bids might be received if the project was rebid. Responding, Mrs. Mitchell felt that if more bids were received, there may not be a problem, but if the same two (2) bids were received, this would be a problem because the second submitter would then have the ability to correct their submission. She explained that typically those who do not follow major guidelines in terms of meeting deadlines, etc., are rejected, so that the City remains clean on all transactions, and this practice is followed by the City's purchasing agent.

Mr. Sudler requested a legal opinion from Deputy City Solicitor William Pepper as to whether the City would be subject to legal ramifications if Council decided that they did not like either of the present bids. Responding, Mr. Pepper indicated that this would depend on what the bid package said regarding the ability of the City to reject the bids. He stated that if the City reserved the right to reject all bids for any reason, the bids could be rejected. Not having seen the bid package, Mr. Pepper stated that he could not provide any more than general advice.

In response to Mr. Hare, Mr. Koenig advised that he did not have the documentation with him and was unsure if this statement was included in the bid package. He indicated that by rebidding the project, the City would be subject to receiving no bids, or even higher bids. Mr. Koenig stated that there would be a 50/50 chance of receiving bids over $300,000 next time since bidders would know what the floor was. From an administrative standpoint, he felt it was frustrating that the bidder had not filled out the paperwork; however, that was what happened.

Mr. Lewis asked if it was possible that the company that submitted a responsive bid would lower their price if Council decided to rebid based on their belief that the price was astronomically high. In response, Mr. Koenig indicated that he did not believe the price was exorbitant, noting that the project would involve the replacement of three (3) blocks of water main from Loockerman Street to Water Street. He noted that a lot of work was being done around the State in public water and sewer systems and the City does not control the bidding environment. Mr. Koenig explained that by rejecting the bids, it would be made known what bid may have won. A bidder may see that the next lowest bidder was $80,000 more than the lowest bid and decide to add $80,000 to their own bid, while still undercutting the competition. Mr. Koenig noted that the person who should have been awarded the contract, based on the lowest responsive bid, may decide not to deal with the City or put in a bid, which would put the City at a competitive disadvantage. Mr. Koenig stated that he was not happy about the differential between the bids or that the City had to throw out the low bid; however, this is the environment in which the City works. He advised that he must keep an arm's length away from the bidding process and cannot influence it, and by rejecting bids, members would potentially be influencing the bidding process. Mr. Koenig reiterated that the City had a qualified bid to do the work that was higher than the non-responsive bid.

Mr. Cole noted that members were mentioning changing the process and asking for legal opinions, etc. He felt that if members wanted to look at changing the process in the future, he would agree with this; however, as of right now there was a process, a proper bid, and a recommendation, and he felt that Council should move forward.

Mr. Sudler advised that, as a contractor, he was concerned about the vast difference of almost $100,000 in taxpayers' dollars between the bids for the same job. He understood Mr. Cole's comments about a process; however, when it comes to the constituents who trust Council with taxpayers' dollars, he wants to make the right decision and save the money that can be saved. Mr. Sudler indicated that he is not always in favor of accepting the lowest bid, noting that you get what you pay for; however, he was not happy with the amount of approximately $292,000. He indicated that he would not support this recommendation, not because the company with the lower bid did not provide what was needed but because of the vast difference in the bids. Mr. Sudler felt that another company would be willing to do the work for a lower price, acknowledging that he might be wrong.

In response to Mr. Neil regarding whether the City might receive a higher bid as a result of rebidding, Mr. Koenig stated that he does not control the bidding environment and there was a chance for lower, the same, or higher bids to be received.

Mr. Hosfelt felt that there was a very good chance that the City could receive higher bids, and there could be legal fees related to challenges because Council did not follow policies and procedures. He felt that, whether members liked them or not, these policies were in place and had been followed for years. Mr. Hosfelt agreed with Mr. Cole that if members wished to change the policies, this was a discussion for another day. He did not believe that there was a choice and felt that members should do the right thing, noting that contractors would not want to deal with the City if the City does not comply with its own bidding process.

Mrs. Mitchell stated her belief that the City's purchasing agent does put a clause in the bid documents that Council has a right to reject any and all bids.

Mr. Sudler stated his understanding that Council would not be putting themselves in harm's way legally by rejecting the bids and had a right to do so. Responding, Mrs. Mitchell stated that she thought Council had that right and believed this was in the bid document.

Mr. Hosfelt stated that Mrs. Mitchell is a wonderful finance director; however, he did not believe that she had a law degree. Responding, Mrs. Mitchell confirmed that she did not. Mr. Hosfelt stated that, although members had heard from Mr. Pepper, this would not keep the City from being sued for not abiding by what its own policies and procedures say to do.

Mr. Sudler stated that he had heard Mr. Pepper say before that anyone can sue the City, but this did not mean that they would win.

Mr. Hutchison indicated that he would not vote on this matter because he has a family member who works for the company; however, he questioned turning away from the proper procedures that the City had followed after the bids had been put in and accepted. He felt that this would send a terrible message to anyone who submits a bid. Mr. Hutchison noted that this contractor had been in business for years, had done a good deal of work for the City, and had every right to believe that he was number one on the list and would receive the bid. He felt it would be wrong for the City not to award the contract.

Mr. Lewis stated that this was at Council's discretion.

Mr. Sudler concurred that this was at Council's discretion, and stated that just because a contractor had done a lot of work for the City did not guarantee that they would get the job. In his opinion, it was not about a process being in place but that Council had a right to reject or approve. Mr. Sudler stated that rejection would not mean that the City did not like someone's work or that they could not work for the City anymore, it just meant that Council was not satisfied with a bid proposal.

Mr. Neil moved to accept staff's recommendation to award the contract to Teal Construction, Inc. for the City of Dover New Street Water Main Replacement Project, Bid #17-0002PW, for the amount of $292,500.00. The motion was seconded by Mr. Cole and failed by roll call vote of three (3) yes (Mr. Neil, Mr. Cole, and Mr. Hosfelt), four (4) no (Mr. Anderson, Mr. Sudler, Mr. Lewis, and Mr. Hare), one (1) abstention (Mr. Hutchison), and one (1) absent (Mr. Slavin).

Mr. Sudler moved to defer this matter for a legal opinion and to be brought back to the Legislative, Finance, and Administration Committee for further discussion, seconded by Mr. Anderson.

Mr. Koenig noted that he did not have the documents in front of him, but informed members that the City had only a certain amount of time to accept bids. He advised that the next meeting of the Legislative, Finance, and Administration Committee would be in three (3) weeks.

Mr. Hosfelt questioned what would be discussed during this Legislative, Finance, and Administration Committee meeting. Responding, Mr. Sudler suggested obtaining a legal opinion

regarding whether there would be any legal ramifications or loopholes and proceed from there. In response, Mr. Hosfelt indicated that this information had been provided earlier in the meeting and there was a legal opinion that the City could be sued.

Mr. Hare felt that as a result of Council's discussion, the project needed to be rebid.

Mr. Hosfelt expressed his opinion that Council's discussion had created a problem. Responding, Mr. Hare stated that he did not disagree; however, he did not understand the price discrepancy. He noted that the City may or may not receive more or higher bids if the project were rebid.

Mr. Koenig requested, if Council was not happy with the bids, that they reject the bids and the entire project would be reset for advertisement.

Mr. Sudler rescinded the motion to defer this matter for a legal opinion and to be brought back to the Legislation, Finance, and Administration Committee for further discussion, and Mr. Anderson withdrew his second.

Mr. Sudler moved to reject the bids and open the project for another bid solicitation, seconded by Mr. Anderson. The motion carried by a roll call vote of six (6) yes (Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, and Mr. Hare), one (1) no (Mr. Hosfelt), one (1) abstention (Mr. Hutchison), and one (1) absent (Mr. Slavin).

EVALUATION OF BIDS - MALLARD POND MULTI-USE PATH

Mr. Scott Koenig, City Manager, advised that, in concurrence with the City of Dover's plans for improvements at Mallard Pond Park, the Public Works Department developed bid specifications for an eight-foot wide multi-use path to connect from the sidewalk that enters the park off North Caroline Place, which is in Mallard Pond, and extend the sidewalk south to the southern boundary of the park near the end of Marsh Creek Lane. He explained that there were two (2) sources of funding, the Delaware Land and Water Conservation Trust Fund in the amount of $50,000 and $50,000 from Community Transportation Funds (CTF). Bids were opened on Thursday, July 28, 2016 and six (6) contractors submitted unit price bids for the proposed work to be performed. Mr. Koenig indicated that the low bid amount was $62,462.40.

Staff recommended awarding a unit price contract, based upon Bid #17-0003PW, for the Mallard Pond multi-use path to Diamond Materials LLC based on the without prevailing wage unit prices for each work item submitted. Work will be performed in strict accordance to the bid specifications.

Mr. Sudler moved for approval of staff's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Slavin absent).

EVALUATION OF BIDS - MCKEE RUN UNIT 3 STACK REPAIRS

Mr. Scott Koenig, City Manager, advised that a request with respect to the power plant was submitted by the Electric Department and was reviewed by North American Energy Services (NAES) and Mr. Harry Maloney, Electric Director, and his staff. This would address the McKee Run Unit 3 Stack Repairs (Project# EG1613) to allow the performance of the outlined stack work per the bid specifications. The stack lining was inspected in 2012 and determined to be

deteriorating and in need of repair and/or replacement. Mr. Koenig stated that submissions were completed by five (5) chimney repair companies and the best qualified contractor was selected to be awarded the stack repair contract.

Staff recommended approving award of the contract to NAES Power Contractors - Chimney Division in the amount of $223,852.00. McKee Run Unit 3 Stack repairs are to begin on October 3, 2016, and be completed on or before November 16, 2016.

In response to Mr. Lewis, Mr. Koenig explained that five (5) contractors submitted bids and the recommended bid was the lowest in price. He stated that the bids were evaluated for a number of other components, in addition to price, and submissions were satisfactory for the rest of the package.

Mr. Neil moved for approval of staff's recommendation to award the McKee Run Unit 3 Stack repairs contract to NAES Power Contractors - Chimney Division in the amount of $223,852.00. McKee Run Unit 3 Stack repairs are to begin on October 3, 2016, and be completed on or before November 16, 2016. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Slavin absent).

ADDITIONAL APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMITTEE - CHAIR OF THE UTILITY COMMITTEE

During the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner.

Mr. Hare advised that during the Economic Development Committee Meeting of August 16, 2016, members recommended that the Chair of the Utility Committee be appointed to serve on the Economic Development Committee. He explained that, since the Mayor serves on the Committee but has no voting privileges, the Committee currently had four (4) voting members, which could result in tie votes. Additionally, Mr. Hare indicated that under the current composition of the Economic Development Committee, if two (2) members spoke together outside of a formal Committee meeting, this would result in a violation of the Freedom of Information Act (FOIA). Members thought it was imperative to have a fifth voting member and recommended the Chair of the Utility Committee, since many utility issues will arise in economic development.

Mr. Sudler moved for approval of the Committee's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee, seconded by Mr. Lewis.

Mr. Anderson stated that he favored this addition; however, he believed that this was not the only addition needed, explaining that an entire segment of the community, comprising approximately 57% of the community, was being left out. He indicated that he would support this motion; however, he would be recommending a couple of amendments to Proposed Resolution No. 2016-09, formally establishing the Economic Development Committee, which will be considered by Council during the latter part of the meeting.

Mr. Sudler stated that there was a large segment of the community that would like to be on the Committee, and he felt that they needed to be taken into consideration. He advised that, if he was not mistaken, according to that segment of the community, the Mayor had recently guaranteed them a seat at the table. Mr. Sudler indicated that he would support the recommendation; however, he would like to see more representation in the form of at least two (2) additional Committee members who reflect the community and are not part of City Council or an existing committee of the City of Dover.

Mr. Hosfelt requested clarification regarding the percentage of the community that was being discussed. In response, Mr. Anderson explained that the demographics of the City reflect that the City is 57% minority from various groups. He stated that many people, including several business people, some from the downtown area, had contacted him and felt there was a lack of representation of the various minority communities. Mr. Anderson stated his intent to bring an amendment forth in that regard during discussion of Proposed Resolution No. 2016-09, formally establishing the Economic Development Committee. He expressed support for adding the Utility Committee Chair to the Economic Development Committee.

Mr. Sudler informed members that the intent was to bring to the table others that had not been there in the past, including not only African-Americans but also Asian, Hispanic, and Native American minorities.

The motion for approval of the Committee's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee was unanimously carried.

PROPOSED RESOLUTION NO. 2016-09 FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

During the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner.

During consideration of the previous item, Additional Appointment to the Economic Development Committee, Council approved the Economic Development Committee's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee.

Mr. Hare advised members that Resolution No. 2016-09 would formally establish the Economic Development Committee.

Mr. Anderson moved to amend Line #13 of the Proposed Resolution to include the word "inclusive" following the word "targeted," seconded by Mr. Sudler.

Mr. Anderson advised that the statement would then read, "WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, inclusive, and effective approach to economic development in

the City of Dover." He stated that this would make it part of the vision mandate that everyone is to be served.

Mr. Neil questioned how these individuals would be appointed and who would determine how many females or others would be on this body to make sure that the City is living up to what is supposed to be done. He stated that he had not been privy to any related discussions or promises that were made and he wondered who would control the appointments to the Committee.

As a member of the Economic Development Committee, Mr. Hare stated that he did not believe that this would change the size of the Committee, noting that creation of subcommittees had been discussed and some had already been created, including one (1) for employment.

Mr. Kirby Hudson, Assistant City Manager, stated that he and Mayor Christiansen had been talking to Dr. Michael Casson, Director, University Center for Economic Development and International Trade (UCEDIT) and Associate Professor of Economics, Delaware State University. Mr. Hudson informed members that Dr. Casson had indicated that he would be interested in being part of a subcommittee and would also like to possibly bring in another person from the University. Mr. Hudson stated that this had not been vetted and this information was based on Mr. Hudson's discussions with Dr. Casson. Mr. Hudson believed that Dr. Casson had been to only one (1) meeting, and that Dr. Casson was going to be putting a team together and would then come back to the full body of the Economic Development Committee with a plan.

Mr. Hare concurred with Mr. Hudson's recollection, noting that the Committee was still formulating their plans and developing subcommittees, and the subcommittee that Mr. Hudson described was one that was recommended. Mr. Hare stated that they were waiting for Dr. Casson and Mr. Clay Hammond to come back to the Economic Development Committee.

Mr. Neil stated his understanding that by adding "inclusive," members would be making sure from a mission standpoint that other people would be included. He stated that the basic members of the Committee had been established, including the Chairman of the Utility Committee as a voting member. It was Mr. Neil's understanding that by adding "inclusive," the Economic Development Committee would be able to add as many people and subcommittees as they want.

Mr. Anderson stated that two (2) separate amendments would be offered and he expressed the desire not to merge the two (2) separate issues. He explained that the current amendment focused only on the mission of the organization and had nothing to do with membership.

The motion to amend Line #13 of the Proposed Resolution to include the word "inclusive" following the word "targeted" was unanimously carried.

Mr. Anderson moved to amend Proposed Resolution #2016-09 by adding to Line #8, after "partnership", the phrase "two (2) members that represent minority business interests." The motion was seconded by Mr. Sudler.

Mr. Anderson stated that this line would then read "... a designee of the Downtown Dover Partnership (DDP), two (2) members that represent minority business interests, and the City Planner...".

Mr. Koenig requested, if the amendment was approved, that clear direction be given on how those members would be selected and confirmed. Responding, Mr. Anderson explained that they would be appointed by the Council President and approved by Council.

Mr. Cole asked if these members would be part of the Downtown Dover Partnership (DDP) or two (2) citizens. Responding, Mr. Anderson stated that they may or not be from the DDP, they may or not be from downtown, or one (1) may be from downtown and the other from another portion of the City.

Mr. Hudson stated that some time ago Mr. Sudler had commented that when people are added to any kind of committee, it would be helpful if they have some sort of background. He felt that those selected should have a background beyond just wanting to be a part of something, noting that otherwise they could be a deterrent. Responding, Mr. Anderson expressed agreement and felt that the Council President could achieve this.

Mr. Hare indicated that he could not support this motion because the Economic Development Committee was created as a Council committee, noting that there were subcommittees doing everything that was being discussed. Additionally, he felt that the Committee was still in a formative stage, and growing the Committee would defeat its purpose. Mr. Hare believed that the more people there are, the less that gets done. He explained that he had no problem with having subcommittees, stating that this is what was asked for. Mr. Hare did not agree with adding more members to the Committee until it became more established.

Mr. Lewis concurred with Mr. Hare, stating that baby steps should be taken at this juncture because it was a new committee.

Mr. Hosfelt questioned if there was a reason or issue at the root of this request. Responding, Mr. Anderson stated that Apostle Lott had formed a citizen committee, and one of their major concerns was there had not been a great deal of change downtown because there was no vested interest, particularly for minority business owners, people who live there, etc. Mr. Anderson stated that there was a real concern related to jobs and economic development. He indicated that when this item came up on the agenda, he was contacted by several people, including some downtown business owners who had asked for the proposed amendment. Mr. Anderson advised that Council President Slavin had also received such contacts and that this amendment was suggested by Mr. Slavin. Mr. Anderson felt that the concerns were valid because he believed that something as vital as economic development should be reflective of the different perspectives in the City today, not those from 40 years ago since things had changed. He stated that the concerns from a year ago had not gone away, they were still here and people were much more engaged now. Mr. Anderson advised that one of the reasons Dr. Casson was put on a subcommittee was because he was told that there was no room on the Committee because Council had determined the membership of the Economic Development Committee and any changes must be made through Council, and this was the reason for the proposed amendment.

Mr. Sudler stated that he had received numerous phone calls from Mr. Bobby Wilson and Mr. Hammond. It was Mr. Sudler's understanding that they were somewhat guaranteed a seat at the table or some type of minority representation, not just for the African-American community but also for Hispanic and other communities, by the Mayor. Mr. Sudler advised that Mr. Wilson and Mr. Hammond were disgruntled and had contacted him, Councilman Anderson, and possibly Council President Slavin for the past three (3) or four (4) days because they were very upset with the Mayor and felt that the Mayor had lied to them. Mr. Sudler explained that this was the reason he and Mr. Anderson were bringing forth these concerns, noting it was not their personal issue but was from their constituents and downtown business owners. Mr. Sudler noted that the Mayor was not present to express what he had said to Mr. Wilson and Mr. Hammond; however, Mr. Sudler felt that he had an obligation to bring forth their concerns, noting that downtown Dover businesses are in his district. He noted that he was sure that the Mayor would voice his opinion when he is present. Mr. Sudler felt that there seemed to be an issue between what the Mayor was telling certain people, business owners, or constituents versus what was actually being done.

Mr. Neil advised members that he serves as Council's liaison to Kent County Tourism and he has a totally different vision of what economic development is. He stated that he heard from Kent County Tourism that Milford and Smyrna were aggressively pursuing businesses to bring into their cities, and this had nothing to do with "What are you doing for me?" Mr. Neil noted that Council President Slavin had advised him that Mr. Slavin's wife was approached by Milford to bring Forneys Too to Milford. He felt that if Dover was fighting over chunks of "What are you doing for me?", economic development would not succeed. Mr. Neil voiced the need to fill the places that are not filled and aggressively bring people in. He indicated that the Economic Development Committee would have subcommittees and that he had voted in favor of inclusion, noting the importance of including everyone who wants a stake in economic development. Mr. Neil did not believe that the current discussion was leading to the aggressive pursuit of bringing business into the City, regardless if it was white, black, female, or male, which is what the Economic Development Committee must do. He stated that he would expect those on the Committee to be as aggressive about bringing business into the City as they are about resolving the other problems that they are concerned about.

Mr. Hare reiterated that the Committee was still in its fledgling stage. He advised that Mr. Hammond and Mr. Wilson were present at one (1) of the first Economic Development Committee meetings and expressed their concerns, when members agreed with them and asked them to provide more information. To date, this information had not been provided and Mr. Hare felt they should be given time. He noted that the Committee would be working with realtors regarding filling big box stores and expressed the desire to work with Mr. Hammond, who would be able to develop the workforce to supply these businesses with employees. Mr. Hare stated the desire not to get too far ahead of themselves. He indicated that members may be added in the future but felt the need for the Economic Development Committee to get its feet on the ground first. He stated that the Downtown Dover Partnership (DDP) was founded to address downtown businesses and suggested that those with businesses in that area go to DDP meetings. Mr. Hare noted that these concerned individuals had not attended Economic Development Committee meetings, other than the initial meeting.

Mayor Christiansen stated that he was not accustomed to being called a liar and objected to this. He indicated that he had been very inclusive and had encouraged people to participate in the Economic

Development Committee. He stated that a whole meeting had been dedicated to including the minority community in the Committee and that a workshop had been held at the Duncan Center to work toward including the minority community in the decisions in the DDP. Responding, Mr. Sudler stated that he had not called the Mayor a liar, but this was what was reported to him. Mayor Christiansen believed that the implication was there. He stated that he had worked on behalf of this community his entire life and objected to anyone implying that he had lied to anyone in the community.

Mayor Christiansen asked if Mr. Sudler or Mr. Anderson had previously expressed any concerns about the membership on the Committee to the Mayor. Mr. Anderson stated that he had done so earlier in the evening. Mayor Christiansen indicated that he had told Mr. Anderson at that time that they had asked Dr. Casson to head up a committee on minority inclusion in the business community, and Mr. Anderson stated that this was correct.

Mayor Christiansen asked Mr. Anderson and Mr. Sudler if they had asked the Mayor about this at any time before, and Mr. Anderson stated that he could not recall doing so. Mr. Sudler stated that he did not have to express his concerns because the concern was brought to Mr. Sudler about what the Mayor had supposedly told Mr. Hammond and Mr. Wilson. Mr. Sudler stated that these concerns were reported to him and that he had a right to convey what his constituents had said.

Mayor Christiansen apologized to Mr. Sudler; however, he stated that he would not have the impression made that he had not acted in good faith to include the members of this community.

Mr. Hutchison moved to take a five-minute break, seconded by Mr. Lewis.

Mayor Christiansen stated that there was a motion on the floor and offered to leave the room; however, he stated that he would not be called a liar or represented as someone who was not working in the best interest of the entire community across the board.

The motion to take a five-minute recess failed, with Mr. Neil voting yes.

For clarification, Mr. Anderson explained that he had heard not just from the two (2) people mentioned but that 10 people had expressed some concern. He indicated that many of these related emails and calls were received over the weekend, on Saturday and Sunday, and for this reason a meeting took place earlier in the day at 3:00 p.m. without a lot of notice.

Mr. Hare stated that maybe these parties would relay their thoughts in writing and submit them to the City Clerk's Office. Mr. Sudler stated that he would be sure to forward his emails to the Mayor.

Mr. Anderson noted that these parties had submitted their concerns to a councilman, and Mr. Hare asked if he had submitted them to the City Clerk's Office to provide to Council for review. Responding, Mr. Anderson stated that he was submitting them right now. Mr. Hare felt that submitting the actual emails would be better. Mr. Anderson stated that he hoped that would not be better.

Mayor Christiansen apologized to members of Council for his outburst.

The motion to amend Proposed Resolution #2016-09 by adding to Line #8 after "partnership" the phrase "two (2) members that represent minority business interests" failed by a roll call vote of two (2) yes (Mr. Anderson and Mr. Sudler), six (6) no (Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, Mr. Hutchison), and one (1) absent (Mr. Slavin).

Mr. Lewis stated that, although he supported Mr. Sudler's and Mr. Anderson's proposal, he felt that the Economic Development Committee was in a stage of baby steps and felt this could be done at a later date.

Mr. Anderson moved for adoption of the Resolution, seconded by Mr. Sudler and, by a unanimous vote, Resolution No. 2016-09 was adopted, as follows:

A RESOLUTION FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, during the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, the Chair of the Utility Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner; and

WHEREAS, a strong and robust local economy is essential to the quality of life of all residents of the City of Dover and its surrounding community. It is vital that the City pursue sound and innovative strategies to promote growth, attract investment, create and protect jobs, and support existing businesses and enterprises; and

WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, inclusive, and effective approach to economic development in the City of Dover.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER HEREBY FORMALLY ESTABLISH THE CITY OF DOVER ECONOMIC DEVELOPMENT COMMITTEE, WHICH SHALL:

1. Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters.

2. Provide monthly reports to City Council.

ADOPTED: AUGUST 22, 2016

CLARIFICATION OF COUNCIL ACTION OF AUGUST 8, 2016 - PROPOSAL FOR DOVER PUBLIC LIBRARY TO ADOPT A SMOKE-FREE POLICY

During the Regular City Council Meeting of August 8, 2016, members considered a Proposal for Dover Public Library to Adopt a Smoke-Free Policy. Members accepted the Legislative, Finance, and Administration Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library, as amended to include all parks and recs facilities and within 25 feet of City buildings.

Mr. Sudler moved to defer the clarification of Council action on this item until the return of Council President Slavin, noting that Mr. Slavin had asked for this item to be placed on the agenda. The motion was seconded by Mr. Hosfelt.

Mr. Lewis requested an update on the policy, stating that he had missed the August 8, 2016 meeting due to being on vacation.

Mr. Scott Koenig, City Manager, stated that the request had originated from the Dover Public Library since the Library had experienced some specific problems related to their facility. There had been at least one (1) or two (2) occasions when the Dover Fire Department had to be called because of a mulch fire adjacent to the building, and the Library had experienced trouble with smoking around the building. Mr. Koenig explained that, under the Library's Leadership in Energy and Environmental Design (LEED) certification, there was supposed to be no smoking within 25 feet of the building. He advised that it was difficult to enforce exactly 25 feet, and because of the problem with the Fire Department, there had been discussion about replacing the mulch with river rock, which Mr. Koenig felt was not a good solution because it creates the possibility of throwing objects around the Library, potentially leading to property damage. He stated that the Library staff put forward a request to make the library campus smoke free and that the problem that staff wanted to address was patrons and cleanliness at the library facility.

Mr. Koenig stated that, during the Legislative, Finance, and Administration Committee meeting of July 26, 2016, there was a brief discussion about the policy including all City facilities; however, he had not anticipated the discussion about extending it to all City facilities at that point. He indicated that no one had been notified that there was consideration of banning smoking from all City facilities, which would include property, vehicles, and the like. Mr. Koenig advised that during the Council meeting of August 8, 2016, a motion was made on the floor by Mr. Sudler to extend this policy to all buildings. There was discussion about prohibiting smoking within 25 feet from buildings, all parks, and City property, which had created a major problem for implementation for the City Manager's Office. Mr. Koenig explained that staff was not notified that this was being considered, the City had references to smoking areas in the Employee Handbook, and no employee input was obtained from the approximately 360-person workforce. He felt that the motion on the Council floor was a curve ball. Mr. Koenig stated that members of Council expected the ban to start being enforced on the next day; however, no signs were posted because there was a need to determine the number of signs. He informed members that Deputy City Solicitor William Pepper had indicated that an ordinance needed to be updated. Mr. Koenig advised that, while the ban could be in place, the actual enforcement of the smoking ban on City property would be difficult without an ordinance amendment. He stated that there had been comments from a number of staff members who were frustrated that there was no opportunity to comment. For Council's information,

Mr. Koenig explained that "no City property" would include City parks and vehicles. In addition, he stated that there were tenants at 5 East Reed Street, including the State of Delaware, that were not notified ahead of time. Mr. Koenig informed members that the City of Dover owns the Dover Post Office property, and the U. S. Postal Service is a lessee and he had not yet determined how to address that situation. He advised that he had not determined how to make this work at this point.

Mr. Koenig informed members that it was intended that there would be a clarification of the policy on tonight's agenda. He advised that a notice was sent out to all staff stating that smoking had been banned. He expected that this would be a soft ban, since he was unsure how there could be retribution for violating the ban because a progressive policy or ordinance must be in place to identify the fine. Mr. Koenig reiterated that the request had been to start with the Library by addressing a specific issue there. If Council wanted staff to progress to other facilities, staff would be happy to do this; however, a timeline would be needed to implement this rather than doing so immediately because conversations would be needed with staff, the City must purchase signage since parks must be signed correctly in order to outlaw smoking there, and staff had not been prepared for the amendment on the floor.

Mr. Lewis questioned if smoking was banned on City property as of the last Council meeting. Responding, Mr. Koenig stated that this was the consensus of the feelings expressed at the Council President's agenda meeting held two (2) days after the last Council meeting.

Mr. Lewis asked what Mr. Koenig's intentions were in regard to enforcing this. As a State employee, Mr. Lewis stated that smoking is banned in all State facilities and disciplinary action is taken against those who are caught smoking. Mr. Lewis questioned how the City intended to proceed with this. Responding, Mr. Hare stated this was part of the discussion that was intended for this evening's meeting.

Mr. Lewis stated that he had been confused because the agenda title referenced only the Dover Public Library rather than City buildings or properties.

The motion to defer this item until the return of Council President Slavin was unanimously carried.

FINAL READING - PROPOSED ORDINANCE #2016-19 WITH COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AMENDMENT #1 (CCW/LF&A #1) AMENDING CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS; CHAPTER 46 - FIRE PREVENTION AND PROTECTION; AND CHAPTER 50 - FLOODS (CONSOLIDATION OF CONSTRUCTION CODE APPEALS COMMITTEE AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS)

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of August 8, 2016. The ordinance is available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Neil moved that the Final Reading of the Proposed Ordinance be acknowledged by title only, seconded by Mr. Sudler and unanimously carried.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Proposed Ordinance would consolidate two (2) existing appeals committees. She explained that the Construction Code Appeals Committee and the Property Maintenance Code Board of Appeals were both created under Chapter 22, which is the building Code. Mrs. Townshend advised that the Property Maintenance Code Board of Appeals Committee hears property maintenance appeals and includes the City Manager and two (2) members of the public, one (1) representing real estate interests and one (1) representing the general citizenry. The Construction Code Appeals Committee hears any other appeals and includes the City Manager and two (2) members of Council appointed by the Council President.

Mrs. Townshend explained that the Proposed Ordinance would merge those two (2) bodies; however, due to an amendment introduced during the Legislative, Finance, and Administration Committee meeting of August 8, 2016, the City Manager would not serve on the consolidated committee. Three (3) members of City Council would be appointed to the Committee, as well as the real estate and general citizenry representatives. Mrs. Townshend advised that consolidation would reduce confusion regarding which board hears which cases and would create a better combination of interests to oversee the appeal process.

Referring to Lines #17 and #18, Mr. Anderson questioned why this committee elects one (1) of its own members as the chairperson, unlike most Council committees, where the chair is appointed by the Council President and approved by Council. Responding, Mrs. Townshend stated that this was in the existing code regarding the Construction Code Appeals Committee and was no change was proposed, although it could be changed. She reminded members that this was part of consolidating the existing code.

Mr. Anderson moved that Line #18 be amended to strike "shall elect one of its members as chairperson" and that replacement language state "shall have a chairperson appointed by the council president and confirmed by city council." The motion failed for the lack of a second.

Mr. Cole moved for approval of Council Committee of the Whole/Legislative, Finance, and Administration Committee Amendment #1 (CCW/LF&A#1), seconded by Mr. Sudler and unanimously carried.

Mr. Neil moved for adoption of Proposed Ordinance #2016-19, as amended, seconded by Mr. Lewis, and by a unanimous roll call vote (Mr. Slavin absent), Ordinance #2016-19 was adopted, as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction Code Appeals Committee of the Dover Code be amended to read as follows:

Sec. 22-1. - Construction and property maintenance code board of appeals.

(a) Established; composition; appointment. There shall be a committee to be referred to as the "construction and property maintenance code board of appeals," consisting of five (5) members. The council president shall appoint three (3) elected city officials and the mayor shall appoint one (1) city resident generally selected as a representative of homeowners and one (1) representative of the local real estate industry association. Members shall serve one-year terms unless sooner removed. All appointments are subject to confirmation by the city council at its second regular meeting in May. The construction and property maintenance code board of appeals shall elect one of its members as chairperson.

(b) *Appeals*. Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing*. Upon receipt of such an appeal, the construction and property maintenance code board of appeals shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, Subsection (a) - International Building Code adopted, Section 113 - Board of Appeals of the Dover Code be amended to read as follows:

Section 113 BOARD OF APPEALS. See Chapter 22-Buildings and Building Regulations, Article I-In General, Sec. 22-1 Construction and property maintenance code board of appeals

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, Subsection (b) - International Residential Code Adopted, Section R112 - Board of Appeals of the Dover Code be amended to read as follows:

SECTION R112 BOARD OF APPEALS See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-221 - Adopted, Subsection (a), Section 111 - Means of Appeal of the Dover Code be amended to read as follows:

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-225 - Property Maintenance Code Board of Appeals of the Dover Code be deleted in its entirety.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-406 - Appeals of the Dover Code be amended to read as follows:

Sec. 22-406. - Appeal of the 25 percent over market rate.

An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

BE IT FURTHER ORDAINED:

That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-125 - Construction Code Appeals Committee of the Dover Code be amended to read as follows:

Sec. 46-125. - Appeal; hearing.

Appeal; hearing. Whenever any person is aggrieved by a decision of the fire marshal with respect to the provisions of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals, as provided for in Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the fire marshal. Upon receipt of such appeal, the construction and property maintenance code board of appeals shall set a time and place, in not less than ten or more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

(Code 1981, § 7-60; Ord. of 5-10-1982; Ord. of 11-22-1993)

BE IT FURTHER ORDAINED:

That Chapter 50 - Floods, Article IV - Variances, Section 50-46 - Variances of the Dover Code be amended to read as follows:

Sec. 50-46. - Variances.

The City of Dover construction and property maintenance code board of appeals, as provided for in Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction and property maintenance code board of appeals, shall have the power to authorize, in specific cases, such variances from the requirements of these regulations and the flood load and flood load and flood-resistant construction of the building code, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) *Application for a variance.*

a. Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the floodplain administrator.
b. At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in section 50-46(2) and the limitations and conditions of section 50-46(3).

(2) *Considerations for variances*. In considering variance applications, the City of Dover construction and property maintenance code board of appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

a. The danger that materials may be swept onto other lands to the injury of others.
b. The danger to life and property due to flooding or erosion damage.
c. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
d. The importance of the services provided by the proposed development to the community.
e. The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
f. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
g. The compatibility of the proposed use with existing and anticipated development.
h. The relationship of the proposed use to the comprehensive plan for that area.
i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) *Limitations for variances*.

a. An affirmative decision on a variance request shall only be issued upon:

1. A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
3. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
4. A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
5. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
6. A determination that the structure or other development is protected by methods to minimize flood damages.
7. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the City of Dover construction and property maintenance code board of appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

c. The City of Dover construction and property maintenance code board of appeals shall notify any applicant in writing to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements only, and that the cost of federal flood insurance will be commensurate with the increased risk.

(Ord. No. 2014-09, 6-9-2014)

ADOPTED: AUGUST 22, 2016

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised that school was starting and there was increased activity this week around Dover with school buses and active school walk zones. He stated that there were increased safety issues across the City and asked everyone to be mindful of this, noting that he would also remind staff to be mindful.

Mr. Koenig stated that the City's Fourth of July Celebration had been rescheduled for Saturday, September 3, 2016. Activities would be held on and off all day, but would increase at 8:00 p.m., with the fireworks show at 8:15 p.m. He stated that the full schedule was available at www.dover4thofjuly.com.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler thanked Councilmen Hutchison, Hare, and Neil for serving as celebrity cooks at the Mt. Zion AME Church back-to-school outreach initiative in the Fourth District.

Mr. Hosfelt stated that a Special Safety Advisory and Transportation Committee meeting would be held on September 7, 2016 at 6:00 p.m. in Council Chambers. He stated that members would hear from the agency or group that performed the Public Safety Study - Fire/EMS Operational & Administrative Analysis and would take questions from Council, members of the audience, and probably the Dover Fire Department. He stated that this would cover the Dover Fire Department and the ambulance service, and encouraged everyone to attend.

Mr. Cole moved for adjournment, seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 9:19 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of August 22, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Corrected Council Resolution No. 2016-08 - Proposing the Vacating and Abandonment of a Certain Improved Stub Street Situated in the City of Dover (Setting the Public Hearing) - Topaz Circle Stub Street

City of Dover

MAYOR AND COUNCIL

CORRECTED

COUNCIL RESOLUTION NO. 2016-08

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN IMPROVED STUB STREET SITUATED IN THE CITY OF DOVER.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

Section 1. The Council of the City of Dover favors the vacating and abandoning of Topaz Circle stub street, as specified below:

Adjacent to 402 Topaz Circle (ED-05-067.01-01-24.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00; thence running South 50 degrees 40 minutes 20 seconds West 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the westerly property line of Parcel No. ED-05-067.01-01-24.00 to a point; thence running North 53 degrees 11 minutes 19 seconds East 55.00 feet to a point of curvature in the southerly line of Topaz Circle, said point being the northerly end of a 25 foot radius junction curve joining the southerly and easterly lines of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the left, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the easterly line of Topaz Circle; thence running South 36 degrees 48 minutes East 85.15 feet to a point in the line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00, being the point and place of beginning and containing 0.08 acres (3,460.14 square feet) of land be the same more or less.

Adjacent to 2 Aquamarine Court (ED-05-067.01-01-25.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00; thence running North 50 degrees 40 minutes 20 seconds East 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the easterly property line of Parcel No. ED-05-067.01-01-25.00 to a point; thence running South 53 degrees 11 minutes 19 seconds West 55.00 feet to a point of curvature in the southerly line of Aquamarine Court, said point being the northerly end of a 25 foot radius junction curve joining the southerly line

of Aquamarine Court and the westerly line of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the right, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the westerly line of Topaz Circle; thence running South 36 degrees 48 minutes East 87.78 feet to a point in the line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00, being the point and place of beginning and containing 0.08 acres (3,513.42 square feet) of land be the same more or less.

Section 2. The streets and infrastructure of the above described parcels of land have not been accepted by the City of Dover. The above described parcels of land shall be considered public utility easements, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Section 3. The Council of the City of Dover will sit on Monday, September 12, 2016, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 130, Volume 77, Laws of Delaware).

Section 4. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

ADOPTED: AUGUST 22, 2016

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\ADOPTED\RESOLUTION NO. 2016-08 - SETTING PUBLIC HEARING - ABANDONMENT OF TOPAZ CIRCLE STUB STREET\Resolution No. 2016-08 Setting Public Hearing-Abandonment-Topaz Circle Stub St-SIGNATURE-CORRECTED-08-31-2016.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History:

August 31, 2016 - Revised to reflect that Topaz Circle stub street is improved and to correct the dimensions of the property being abandoned

August 22, 2016 - Introduced at City Council